EXPLANATORY MEMORANDUM TO

The Planning (Miscellaneous Amendments) Regulations (Northern Ireland) 2025

S.R. 2025 No. 128

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 9(2) and (3), 10(3), 22, 27(5), 30(1) and 247(1) and (6) of the Planning Act (Northern Ireland) 2011 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule sets out the details of revised procedures for pre-application community consultation and removes the mandatory requirements to hold a pre-determination hearing under the Planning (Development Management) Regulations (Northern Ireland) 2015 (Development Management Regulations). The Statutory Rule also makes technical amendments to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (Local Development Regulations) and the Development Mangement Regulations.

3. Background

3.1. Section 27 of the Planning Act (Northern Ireland) 2011 places a statutory duty upon applicants for planning permission to consult the community in advance of submitting a planning application, if the development falls within the major category. This requires the prospective applicant to hold a public event and the publication of the proposed event in a local newspaper. The Statutory Rule introduces an additional requirement as part of the pre-application community consultation process, whereby the prospective applicant must provide a website to display draft development proposals and facilitate comment from the general public. Details of the website and the period of time it will be available to the public must be published in a local newspaper, during the pre-application community consultation process.

3.2. Pre-determination hearings are currently a mandatory requirement within the planning process. The Statutory Rule changes the mandatory approach to that of a discretionary requirement, allowing councils the opportunity to consider the planning application and elect to hold a pre-determination hearing. The Statutory Rule revokes regulations 7(1) and (2) of the Development Management Regulations, removing the mandatory requirements to hold a pre-determination hearing. The council will now rely on section 30(4) of the Planning Act (Northern

Ireland) 2011 for a discretionary power to elect to hold a pre-determination hearing for any planning application which they consider appropriate.

3.3. The Statutory Rule also brings forward technical amendments to the Local Development Regulations, regulations 2(2) and (3) of the Statutory Rule amend two typographical errors and regulation 2(4) makes a technical amendment to the Schedule of the Regulations, inserting a provision to give certainty to the process for carrying out and completing an Annual Monitoring Report as required by section 21 of the Planning Act (Northern Ireland) 2011. The Development Management Regulations have also been updated for technical reasons, regulations 3(2), (3) and (6) update the definition of 'EIA development' to align with Regulation 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017.

3.4. Regulations 4 and 5 of the Statutory Rule sets out transitional arrangements for the introduction of the new procedures for pre-application community consultation and pre-determination hearings.

4. Consultation

4.1. The provisions contained in the Statutory Rule relating to the areas of pre-application community consultation and pre-determination hearings have gone through a 12-week public consultation process as part of the "Review of the Planning (Development Management) Regulations (Northern Ireland) 2015" consultation, between 11 December 2023 and 4 March 2024.

5. Equality Impact

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

6. Regulatory Impact

6.1. A Regulatory Impact Assessment screening completed in respect of these proposals found no evidence of any direct or indirect material impact to the Business, Voluntary or Community sectors.

7. Financial Implications

7.1. The proposals do not introduce any material financial implications.

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.