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Getting involved in planning in Northern Ireland: **The Planning System in Northern Ireland**

The role of the planning system is to regulate the use of land. In Northern Ireland, the Department for Infrastructure (DfI) and the 11 local councils must make their decisions on planning applications in line with the policies in Area Plans/Local Development Plans, and the Strategic Planning Policy Statement (SPPS), unless there are very good reasons not to.

The planning system plays an important role in helping to protect our wildlife from harmful developments. It may also provide an opportunity to enhance biodiversity. This leaflet explains planning in Northern Ireland and will give you some ideas about how you can work with the planning system to protect and enhance your local environment.

The Planning Process

Under the current planning system, new building and major changes to the local environment or existing buildings require planning permission, unless these are deemed 'permitted developments'. In order to gain planning permission, applications must be submitted to the local council.

Planning Transfer

In April 2015, planning functions in Northern Ireland transferred from the Department of the Environment (DOE) Planning to the 11 local councils. This is in line with planning functions in the rest of the United Kingdom and the Republic of Ireland. However, applications deemed to be of regional significance or those which may be 'called in' from local councils are now the responsibility of DfI Planning.

Functions of Local Councils and DfI Planning

From April 2015, local councils are now responsible for:

- Drawing up Local Development Plans (to replace current Area Plans).
- Determination of planning applications excluding regionally significant applications or those 'called in' by the DfI.
- Enforcement.

The DfI Planning functions include:

- Determining regionally significant or 'called in' applications.
- Operational oversight and support for the local councils.
- Developing planning legislations and policy.

What is Planning?

The Planning (Northern Ireland) Order 1991 provides the principle legislation, and has undergone various amendments since its introduction.

The Planning (NI) Order 1991 defines development which is subject to planning as:

“the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”.

All 'material considerations' must be taken into account when deciding an application.

The environment is regarded as a 'material consideration', which means that planners must consider the impact of a planning proposal on the environment.

Despite this, there is growing concern in Northern Ireland about how the environment and natural resources are affected by the planning system, particularly since the system has tended to have a presumption in favour of development.

However, the Planning Reform Order (NI) Order 2006 supports a change from a development-led to a plan-led planning system in Northern Ireland. For the first time, there is a statutory duty for planners to contribute to the delivery of sustainable development.

Regional Development Strategy (RDS)

The Regional Development Strategy (RDS) - *Shaping our Future* - is a strategy for the development of Northern Ireland up to 2025. It sets out broad aims for development within Northern Ireland including housing provision, transport infrastructure, air and water quality, energy production, waste management, the rural economy, health and quality of life.

The DfI are responsible for the review monitoring and implementation of the RDS and it must be taken into consideration when making decisions on individual planning applications, or when preparing Local Development Plans.

Strategic Planning Policy Statement (SPPS)

The SPPS was published in September 2015 and is intended to supersede the previous 20 Planning Policy Statements (PPSs). The SPPS contains policies on land use and other planning matters which apply to the whole of Northern Ireland and set out the main considerations taken into account in reaching planning decisions. There are a number of subject policies contained within the SPPS which are specifically designed to promote sustainable development or protect our natural resources.

These include:

- Natural Heritage.
- Coastal Development.
- Flood Risk.
- Renewable Energy.
- Open Space, Sport and Outdoor Recreation.

The SPPS and the previous PPSs can be obtained from the DfI Planning website (www.planningni.gov.uk).

Local Development Plans/Area Plans

The Local Development Plan (LDP) is a collection of a number of individual documents prepared for a council area. It sets out the policies that promote and control development in your area. The LDPs, once complete, will replace the current Area Plans.

LDPs/Area Plans apply the guiding principles and objectives of the Regional Development Strategy and the SPPS to a local level by showing specific information on land allocation for a full range of land uses, including housing, industry, transportation, open space, formal recreation and nature conservation. The information is illustrated on maps and accompanied by explanatory notes.

LDPs/Area Plans are the main way of assessing and addressing any potential conflict between development needs and the need to protect the environment.

Details of area plans can be obtained from the DfI Planning website (www.planningni.gov.uk) and LDP documents can be obtained from your local council website or office.

Supplementary Planning Guidance (SPG)

This is non-statutory guidance which is prepared to supplement, clarify or illustrate by example existing plans or policies. It includes:

- **Design Guides** – e.g. *Creating Places* for residential developments; Conservation Area Guides; and
- **Development Control Advice Notes (DCANs).**

DCANs are used by developers, their agents or advisors, planners and campaigners, and provide helpful information on complex issues of the planning system.

The full range of design guides and DCANs can be found on the DfI Planning website (www.planningni.gov.uk).

The most relevant to the environment are DCAN 10 Environmental Impact Assessment and the Design Guide to Trees and Development – A Guide to Best Practice.

Development Control - Planning Applications

All of the planning policy described above is used when determining planning applications.

Planning applications can take different forms. Full planning applications require a high level of detail, particularly if they relate to a large development, allowing decision-makers to assess the likely impacts of the development on an area.

An outline application is considerably less detailed than a submission for full planning permission. It is used by developers to establish the principle of development in a location, with the details of design being left for later consent ('reserved matters').

Environmental Impact Assessment (EIA)

The purpose of an EIA is to evaluate the potential impacts of a development on the environment.

An EIA may be necessary for any planning application whose location, scale or nature is likely to have significant effects on the environment. For example, a single small dwelling may not require an EIA, while a larger development such as a power station probably will.

EIAs enable risks to the environment to be identified early in the planning process so damage can be avoided or mitigated. If an EIA identifies significant impacts that cannot be avoided or mitigated, a decision-maker may decide to refuse permission. A report on the EIA must be submitted with every planning application that requires one. This is known as the **Environmental Statement**.

Permitted Developments

There are some types of development that do not require planning permission. These are known as permitted developments.

These include:

- Minor house alterations.
- Laying or preparing of pipes and cable by statutory authorities.
- The use of land for agriculture or forestry, including certain buildings.
- Certain port and harbour developments for shipping.
- Some aspects of mineral exploration, including boreholes and seismic survey.

However, any permitted development likely to have significant effects on the environment must submit an Environmental Statement (ES) for consideration by the planning authority.

Notification

Once a planning application has been submitted, it must be made public so that interested parties can comment on it. Application notices are posted at the proposed development site and notification is given in the local press.

Immediate neighbours of the proposed development are informed by letter and planning applications are also listed on the local council websites. Plans can be viewed at the local council planning office and the DfI Planning website (www.planningni.gov.uk).

There is a minimum of 14-day period for making comments or objections.

Planning Consultees

Local councils and DfI Planning consult with a range of bodies over planning applications when either preparing, or amending Area Plans.

These bodies include:

- **Statutory bodies** – e.g. Northern Ireland Environment Agency (NIEA), for any proposals which may affect wildlife, landscape or water quality.
- **Non-Government Organizations** (NGOs) - including the RSPB.

Objections

Any interested parties, in addition to those already mentioned, are able to object to planning applications. It is also useful for objectors to indicate whether conditions could be imposed that would make the development acceptable.

The planning authority can attach planning conditions which must be undertaken by the developer to satisfy permission agreements. Environmental conditions could include retaining trees or natural features, or measures to reduce pollution.

Decision Notices and Planning Conditions

With each application, the planning authority issue a decision notice.

If permission is granted, the notice will list any planning conditions which may be attached to the permission. If permission is refused, reasons for refusal are given. These can be important if a subsequent similar application is made for the same site.

Appealing against a decision

Third parties (e.g. the general public) cannot appeal against a planning decision. However, if you have made an objection to a planning application, which is refused and then the developer appeals the decision, you have the right to make further representations to this appeal. If an inquiry is held, you can then appear at the inquiry to make your case.

Planning Appeals Commission (PAC)

Responsibility for making a decision on a planning application does not always rest with the local councils and DfI Planning.

The PAC is an independent body which:

- Makes final decisions on all appeals against local council or DfI Planning decisions; and
- Holds public inquiries/hearings and makes recommendations on cases referred to it.

PAC decisions are final and, once they are issued, they cannot be amended.

Decisions of local councils, DfI and the PAC can be challenged only on a point of law by application to the High Court for judicial review.

For more information about how the appeals process works see the PAC website (www.pacni.gov.uk).

Enforcement Action

The planning authority may take action when planning permission has not been sought or when a development breaches the conditions of its permission.

Often issues can be resolved through discussion, but in some cases formal enforcement action is necessary.

Depending on the nature of the breach, the planning authority may serve:

- An Enforcement Notice.
- A Breach of Condition Notice.

A 'Stop Notice' may also be served if the planning authority considers immediate action is required to remedy a breach of control which is causing serious harm to a public amenity.

