

'At a Glance' Guide to the Planning Act (NI) 2011

Background

- Bill received Royal Assent May 2011
- The majority of planning functions transfer to local government
- Reforms to how development plans are prepared, planning applications processed and enforcement action taken

Transfer of Planning Powers

- District councils will be responsible for preparation of local development plans, determining the majority of applications taking enforcement action etc.

What stays with DOE?

- Planning legislation, policy and guidance
- Regionally significant planning applications
- Statutory listing of buildings of special architectural or historic interest
- Fee setting, funding, grant making powers
- Oversight role with audit, inspection and performance management of councils
- Selective reserve powers e.g. to take enforcement action

Planning System Reforms

- Speedier, simpler, streamlined processes – new development plan and development management systems + changes to appeals system
- Enhanced community involvement in development plan preparation, applications, appeals
- More effective enforcement

New Development Plan System

- Streamlined and flexible Plan system
- New 2 document approach (Plan Strategy and Local Policies Plan)
- Overall timeframe reduced
- More effective participation from public and stakeholders early in process
- Move away from objection based examination to 'soundness' approach
- Monitor and review
- Joint working between councils

New Development Management System

- Create positive development management culture
- Proportionate processes and decision-making at appropriate level through new 3 tier hierarchy - Councils determine major and local developments, DOE determine regionally significant through direct submission or call-in
- Early pre-application engagement and enhanced transparency (including pre-determination hearings)

Other Reforms to Speed up System

- Duty to respond to consultation – statutory consultees required to respond within a prescribed or agreed time
- Appointment of persons other than PAC to conduct inquiries/hearings/examinations
- New power to make non-material changes to planning permissions
- More flexible arrangements for publicising planning applications delivered through subordinate legislation.

Appeal Changes

- Appeal period reduced from 6 to 4 months
- Appeals to be decided purely on material that was in front of planning authority when it made its original decision
- Award of costs

Enforcement Changes

- Period in which enforcement action can be taken changed to 5 years (previously 4 and 10 years).
- Introduction of Fixed penalty notices for failure to comply with enforcement or breach of condition notices
- Multiple fees for retrospective applications

Increased Fines

Maximum fine on summary conviction raised from £30K to £100K

- *Contravention of Tree Preservation Orders
- *Unauthorised demolition or alteration of listed buildings
- Contravention of hazardous substances provisions
- Contravening temporary stop notices
- Offences where enforcement notices are not complied with
- Contravening a stop notice served by a council or the Department

**Effective from 4th May 2011*

Other changes

- Developments should, where possible, enhance conservation areas
- Current exemption that excludes dying trees from tree preservation order requirements to be removed
- Consent/permission required to partially demolish any part of a non-listed building in a conservation area.

Intended DOE Next Steps:

- Establish new governance arrangements for councils and an ethical standards regime for councillors including code of conduct
- Develop draft guidance for councils developers and the public
- 17 new Statutory Rules and 3 departmental directions required from when powers are transferred to councils

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