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Community Technical Aid

## The Planning System

## A Guide for Community Groups



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## Introduction

Community Technical Aid is a voluntary organisation which supports community involvement in planning and provides community planning and architectural services for disadvantaged communities.

This guide provides information on:

- the planning system in Northern Ireland;
- preparation of Area Plans;
- applying for planning permission; and
- commenting on or objecting to a planning application.

This guide will help community groups to get more meaningfully involved in planning - whether applying for planning permission themselves or opposing development proposals in their area. It is an introduction to planning policies and the planning system. It is not a definitive or comprehensive statement of planning law and policy.

## The Planning System in Northern Ireland

Responsibility for planning in Northern Ireland lies with the Department of the Environment and the Department for Regional Development.

The Department of the Environment's Planning Service operates the planning system and has the core function of controlling the development and use of land in the public interest throughout the region. This is done through a central headquarters and six divisional planning offices.

The Department for Regional Development (DRD) is responsible for planning at a strategic level. Its Regional Planning and Transportation Division formulated the Regional Development Strategy for Northern Ireland 2025 (Shaping Our Future) which provides a framework for all plans and policies for the development of the region.

### What does the Planning System do?

The Planning Service has responsibility for three main areas of the planning system:

- (1) **Planning Policy** - Preparation of Planning Policy Statements and production of supplementary guidance.
- (2) **Area Plans** - Preparing Area Plans for individual or grouped local Council areas. Occasionally Local Plans and Subject Plans are produced covering smaller areas and planning topics.
- (3) **Development Control** - Assessing and making decisions on planning applications and dealing with alleged breaches of planning control (or enforcement as it is better known).

DRD's Regional Planning and Transportation Division's planning responsibilities include:

- **Strategic Policy** - Preparation and review of the Regional Development Strategy for Northern Ireland (Shaping Our Future), an over-arching strategic framework for the development of the region to 2025. All planning policy and plans prepared by the Planning Service must be 'in general conformity' with the Regional Development Strategy.
- **Planning Policy** - Preparation of planning guidance in support of the Regional Development Strategy.

The relationship between different levels of policy guidance is shown overleaf.

The **Planning Appeals Commission** - an independent body sponsored by the Office of the First Minister and Deputy First Minister - deals with Public Inquiries into development plans and major planning applications. It also deals with a range of appeals including those from applicants who are not satisfied with Planning Service decisions on planning applications.



## **Regional Development Strategy for Northern Ireland 2025**

The Regional Development Strategy contains strategic policy and guidance for the whole region (for example: Meeting Housing Need, Caring for the Environment, Economic Development). It provides a framework for all other policies and plans.



## **Planning Policy Statements (PPSs)**

These statements set out policy on specific planning topics and apply to the whole region (for example: Quality Residential Environments, Housing in Settlements). Together with the Regional Development Strategy, they provide policies which all plans must take into account and which are used in making development control decisions.



## **Area Plans**

Area Plans cover one or more local Council area for a 15 year period and provide an indication of where, for example, housing, industry and retailing will be located during this period. When planning applications are received they are also checked against Area Plans for their suitability.



## Preparation of Area Plans

### What is an Area Plan?

The purpose of an Area Plan is to set out the policy framework for an area with reference to the regional policies already in place and show land uses which would be acceptable within that particular area. Area Plans cover individual or grouped local Council areas usually for a 15 year period. However, Local Plans can also be prepared for more specific areas such as a town centre and Subject Plans can be used to deal with a particular topic.

### How are Area Plans prepared?

There are six key stages in the preparation of an Area Plan:

- **Stage 1 - Initial Information Gathering and Research**

After announcing the commencement of an Area Plan, the Planning Service undertakes information gathering, research on and analysis of a wide range of planning topics, for example housing, industry and recreation. In addition, the initial views of the local Councils, other authorities and public bodies are sought. At this early stage, members of the public are invited (via an advertisement in the local press) to submit their views in writing to the Planning Service. Written submissions may include the views of a community group on the planning needs of a community. Groups may also submit the results of a community audit undertaken or their own strategy or plans.

- **Stage 2 - Publication of Issues Paper**

The Area Plan Team prepares and publishes an Issues Paper for the forthcoming Area Plan. This Paper is a discussion document which provides details on the main issues for the area concerned, posing key questions on the future of that area for the public to consider. Publication of the Issues Paper triggers the beginning of a 14 week consultation period during which interested parties are given an opportunity to participate in the process and are encouraged to make their views known. Community groups



are proactively encouraged to participate in this process through independently facilitated consultation. During this they and other members of the public are invited to meetings and community sector events to give their views and comments on the proposed Area Plan.

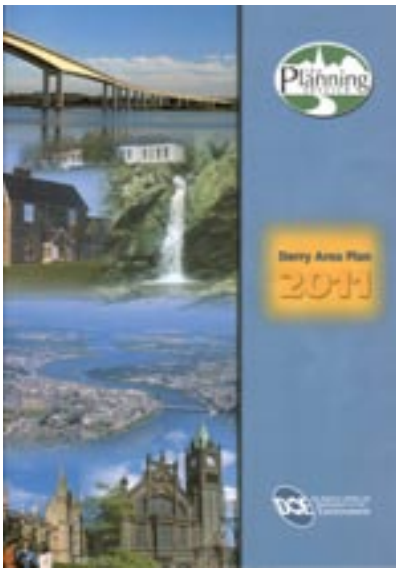
- **Stage 3 - Publication of Draft Plan**

In preparing the Draft Plan the Planning Service takes all the information received during the 14 week consultation period into account. This information comes from a variety of sources including other government departments and agencies (for example Roads Service and Water Service), local Councils, private sector organisations, members of the public and the community sector. It also draws on its own research and analysis on a range of topics (including housing, retailing and tourism) in proposing specific land uses and allocation of land.

The Draft Plan includes maps showing proposed settlement limits and areas proposed for housing, industry and other land uses. At this stage there is a further consultation period lasting six weeks during which anyone can submit written comments either supporting or objecting to the proposals contained in the Draft Plan. All such comments are made publicly available.

- **Stage 4 - Public Inquiry**

Following the receipt of written comments during the six week consultation period, the Planning Service will usually ask the Planning Appeals Commission (PAC) to conduct a Public Inquiry to consider those comments which are objections to the Plan. The PAC will generally hold two or more pre-Inquiry meetings to agree arrangements for the Inquiry itself. All objectors will be invited to attend each pre-Inquiry meeting and the Inquiry itself. Advertisements giving notice of these are published in the local press. In advance of the Inquiry, a questionnaire is sent out to each objector asking if they want their initial letter of objection to be used at the Inquiry, if they want to attend the Inquiry, or if they want it dealt with by a further written submission only.



The objections and counter objections to the Draft Plan are examined in detail at the Inquiry which can last several months.

- **Stage 5 - Planning Appeals Commission Consideration**

After the Public Inquiry the Planning Appeals Commission considers all aspects of the arguments presented and prepares a report with recommendations for the Planning Service. It is worth noting that the Planning Service does not have to accept the Commission's recommendations and may proceed with adoption of the plan with no changes, with some minor changes or with major modification. If the Planning Service proposes major modification, it will generally publish a new document and invite comments on it - this involves repetition of the process from the Public Inquiry stage.

- **Stage 6 - Adoption of Plan**

After the Planning Service has considered the PAC Report it prepares and publishes an Adoption Statement which indicates that the Plan has been finalised. The adopted Plan will then be published incorporating any changes from the Draft Plan. There is no further opportunity for public comment or changes to the Plan at this final stage.

On adoption, the Plan becomes a statutory plan and the only further option for change to the Plan would involve an application to the High Court for a judicial review on a point of law.



## Applying for Planning Permission

The Planning Service controls the development and use of land in the public interest and ensures that new buildings or changes to existing buildings are suitable in a particular location or on a particular site. This is done through the development control process which also deals with pre-application enquiries and breaches of planning control caused by persons carrying out unauthorised development.

### Do all developments need planning permission?

Not all development proposals require planning permission, either because they are not considered development in planning terms (for example internal alterations to a dwelling), or are considered 'permitted development' under planning legislation. An extension to a dwelling or minor works within the curtilage of a dwelling will normally not require planning permission but this will depend on the extent of the proposals (in terms of size and conformity with the existing building).

For most other development proposals planning permission is required, either for the erection of new buildings or for a material change of use of existing buildings or land.

For new buildings you can apply for Outline Planning Permission to test whether the development is acceptable in principle. Detailed drawings are not normally needed, but the Planning Service may sometimes require further information.

If outline permission is granted, you will need to make an application for approval of the details (known as 'reserved matters') before the work can start. Reserved matters consist of details of siting, design, external appearance, means of access and landscaping of the proposal. This application must be consistent with the outline permission granted.

You can apply for Full Planning Permission for a new building or change of use. It requires the submission of all details of the proposal.



## How do I apply for planning permission?

You need to obtain a Planning Application Pack which contains a checklist explaining what you need to send with the application, the relevant forms, information on application fees and guidance notes on making an appeal. A pack can be obtained from your local planning office (see sources of information and advice on page 17). When you make an application you will need to supply, where necessary, information on such matters as:

- land or building ownership;
- the size of the site and the scale of any building;
- any rights of way which may be affected;
- vehicular and pedestrian access;
- water supply;
- drainage and sewerage (including disposal of sewage effluent);
- the addresses of neighbours who need to be notified; and
- impact on any protected species.

It would be useful to consider the impact of your development proposal on neighbouring properties and any limitations on the use of the land or building, such as any restrictive covenants which may be in place. You should also check whether you need to get other consents such as building control approval.

## How is my application assessed?

On receipt of an application, the Planning Service will check that it is complete and issue a receipt for the fee. If the application is incomplete it may be returned.

The application is recorded on the planning register, an advertisement is placed in the local press and occupiers of neighbouring properties are notified of the application. The advertisement and neighbourhood notification will invite comments (objections or otherwise) on the application.



Copies of the application are sent for consultation to other agencies (such as Roads Service, Water Service and Environmental Health) who will comment on the proposed development with respect to their particular responsibilities.

A planning officer will visit the site and prepare a report after taking the following factors into consideration:

- current planning policies (including the Regional Development Strategy, Planning Policy Statements and the relevant Area Plan);
- comments and objections;
- comments from other agencies;
- the impact of the proposal on the environment; and
- any other relevant matters.

## What happens next?

The Development Control Group in the Divisional Planning Office meets to discuss and form an opinion on the application. The local Council is then consulted and informed of the opinion. At this stage the Council may agree with the Planning Service opinion or defer comment to visit the site or hear the views of the applicant or objectors.



After consultation with the local Council, the Planning Service takes the final decision on a planning application and issues a decision notice to the applicant. If an application is refused, the reasons for refusal will be given in the decision notice. All approvals will have a condition attached requiring work to start within a specified time period. There may be other conditions attached, such as restrictions on the hours of operation or access arrangements. Those who made comments on or objected to the application are informed of the decision at this time.

Assessment of a complete planning application, from receipt to a decision normally takes up to eight weeks. More complex applications generally take longer to determine.

## Major Planning Applications

Certain classes of planning application are treated as 'major' planning applications in planning law. Such applications, often for large-scale, complex and frequently controversial development proposals are subject to a special procedure. The Planning

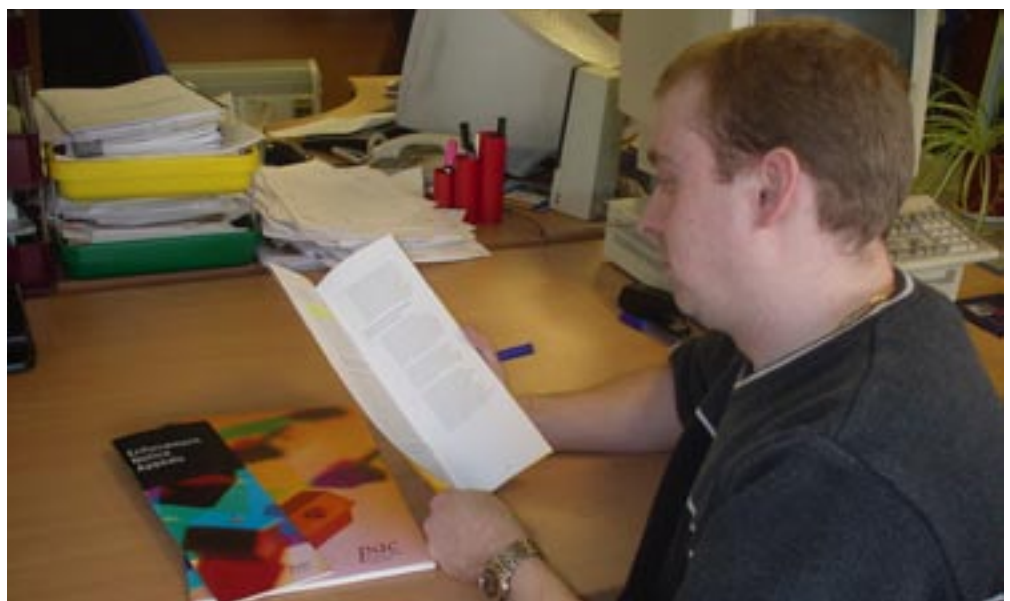
Service will either arrange for a Public Local Inquiry to be held to consider the proposal or a notice will be served on the applicant stating that the Planning Service intends to approve or refuse the application. In the latter case the applicant may seek a hearing before the Planning Appeals Commission (PAC) to consider this opinion. In the former, the PAC will be responsible for arranging and conducting the Public Inquiry. In both cases the PAC will consider the arguments put forward and will report to the Planning Service with recommendations. The Planning Service however makes the final decision on the application.

### **What can I do if planning permission is refused?**

If your application for planning permission is refused or if you are dissatisfied with a condition attached to the approval, you can appeal in writing to the Planning Appeals Commission within six months of the date of the decision notice. This provides an opportunity for your proposal to be reconsidered independently. Appeals can be dealt with by written representation or by a hearing at which you or your representative(s) can present your case.

The decision of the PAC in such cases is final, unlike the case with major planning applications outlined above.

It is worth noting that only applicants can appeal against a planning decision. Third parties (eg objectors to an application) cannot appeal.



## Commenting On or Objecting To a Planning Application

### How do I find out about an application for planning permission?

All applications for planning permission are advertised in the local press. The advertisement will state that comments (objections or otherwise) from any member of the public should be submitted as soon as possible. If the land or building to be developed is near your property, the Planning Service may write directly to you to inform you of the application and to give you an opportunity to make comments before a decision is made.

### Can anyone comment on or object to an application for planning permission?

Yes. Anyone can visit their local planning office and see the full details of any application including all associated plans. Copies of information, including maps and drawings, can be obtained for a charge at this time. It is advisable to make an appointment to see the full application file, otherwise only a summary of the relevant information from the file may be available. Comments or objections can be made by anyone on any application and these will be publicly available.

### What type of comments can I make?

Comments on an application must be **in writing** (by letter, email or fax) and must include your address. They need to be valid planning considerations for them to be taken into account by the Planning Service. **Valid Planning Considerations** include:

- compatibility with Area Plan planning policies;
- compatibility with existing land use;
- impacts on amenity;
- aesthetic impact;
- conservation of buildings;



- retention of trees and the natural environment;
- design, layout and appearance of the proposal;
- road safety and the impact on traffic;
- adequacy of infrastructure;
- designations;
- planning history;
- creation of a precedent;
- piecemeal development;
- availability of alternative sites;
- impact on tourism;
- economic impact;
- heritage;
- housing need;
- justifiable fears of residents;
- public rights of way;
- renewable energy;
- prematurity.

The Planning Service only considers matters which are relevant to planning. Comments therefore which are **not considered valid planning considerations** cannot be taken into account. Examples include:

- private property rights, for example disputes about boundaries or access;
- general disagreements between neighbours;
- the developer's reasons for making the application;
- moral issues relating to the proposal or the developer;
- comments of a discriminatory or racist nature;
- disturbance during building work;
- comments which are vexatious or frivolous.

## What will happen to my comments?

The Planning Service acknowledges all written comments and explains the next stages in the decision-making process. In reaching its decision the Planning Service must take account of all comments from the public along with other material planning considerations.



## When will I know the final decision on the application?

A final decision is usually issued within eight weeks but it may take longer if the application is complex and requires more detailed consideration by the Planning Service and other agencies. The Planning Service will inform you of the decision, (which will be approval or refusal) in writing only if you have commented on or objected to the application.

## What can I do if I am not satisfied with the decision?

Only the applicant can appeal against the decision of the Planning Service.

Objectors can apply to the High Court for a judicial review of a planning decision on a point of law. This option is costly,

complex and may be beyond the resources of most community groups. Legal Aid may be available to an individual wishing to pursue such an action.

**What can I do if I do not believe my comments were taken into account or I am not satisfied with how my comments were dealt with?**

You can formally complain to the Planning Service if you believe it did not handle your objection or comments adequately or that it did not provide a good service. You should contact the local planning office for details of its complaints procedure.

If you have followed the Planning Service's complaints procedure and are still not satisfied with how your comments were dealt with, you can consider having your complaint brought to the attention of the Northern Ireland Ombudsman. The Ombudsman is independent and can investigate complaints but will expect you to have used the Planning Service's complaints procedure first. The Ombudsman may only deal with your case via a referral from an MLA or other political representative.

## Sources of Information and Advice

### **Community Technical Aid**

445-449 Ormeau Road

BELFAST

BT7 3GQ

Telephone (028) 9064 2227

Fax (028) 9064 2467

Email - [info@communitytechnicalaid.org](mailto:info@communitytechnicalaid.org)

Department of the Environment

### **Planning Service Headquarters**

Clarence Court

10-18 Adelaide Street

BELFAST

BT2 8GB

Telephone (028) 9054 0540

The Planning Service website ([www.planningni.gov.uk](http://www.planningni.gov.uk)) provides up-to-date information on Area Plans and planning policies and electronic versions of all planning application forms.

The Planning Service has six divisional offices and two sub-divisional offices which cover all local Council areas. Specific information including details of planning applications and planning application packs, can be obtained from the relevant office from the list overleaf.

Divisional Office	Council area covered
<p>Ballymena County Hall 182 Galgorm Road BALLYMENA BT42 1QF Telephone (028) 2565 3333</p>	<ul style="list-style-type: none"> <li>- Antrim</li> <li>- Ballymena</li> <li>- Carrickfergus</li> <li>- Larne</li> <li>- Magherafelt</li> </ul>
<p>Belfast Bedford House 16-22 Bedford Street BELFAST BT2 7FD Telephone (028) 9025 2800</p>	<ul style="list-style-type: none"> <li>- Belfast</li> <li>- Castlereagh</li> <li>- Newtownabbey</li> </ul>
<p>Craigavon Marlborough House Central Way CRAIGAVON BT64 1AD Telephone (028) 3834 1144</p>	<ul style="list-style-type: none"> <li>- Armagh</li> <li>- Banbridge</li> <li>- Craigavon</li> <li>- Newry and Mourne</li> </ul>
<p>Derry/Londonderry Orchard House 40 Foyle Street DERRY BT48 6AT Telephone (028) 7131 9900</p>	<ul style="list-style-type: none"> <li>- Derry</li> <li>- Limavady</li> </ul>
<p>Sub-divisional Office County Hall Castlerock Road COLERAINE BT51 3HS Telephone (028) 7034 1300</p>	<ul style="list-style-type: none"> <li>- Ballymoney</li> <li>- Coleraine</li> <li>- Moyle</li> </ul>

Divisional Office	Council area covered
<p>Downpatrick Rathkeltair House Market Street DOWNPATRICK BT30 6EU Telephone (028) 4461 2211</p>	<ul style="list-style-type: none"> <li>- Ards</li> <li>- Down</li> <li>- Lisburn</li> <li>- North Down</li> </ul>
<p>Omagh County Hall Drumragh Avenue OMAGH BT79 7AF Telephone (028) 8225 4000</p>	<ul style="list-style-type: none"> <li>- Cookstown</li> <li>- Dungannon and South Tyrone</li> <li>- Omagh</li> <li>- Strabane</li> </ul>
<p>Sub-divisional Office County Buildings 15 East Bridge Street ENNISKILLEN BT74 7BW Telephone (028) 6634 6555</p>	<ul style="list-style-type: none"> <li>- Fermanagh</li> </ul>

**Other useful contacts:**

**Planning Aid Northern Ireland**

PO Box 323

LISBURN

BT28 3YJ

Telephone (028) 9267 3060

**The Ombudsman**

Freepost

BELFAST

BT1 6BR

Telephone 0800 343425 (free phone)

**The Planning Appeals Commission**

Park House

87-91 Great Victoria Street

BELFAST

BT2 7AG

Telephone (028) 9024 4710

Community Technical Aid  
445-449 Ormeau Road  
BELFAST  
BT7 3GQ

Telephone - (028) 9064 2227  
Fax - (028) 9064 2467  
Email - [info@communitytechnicalaid.org](mailto:info@communitytechnicalaid.org)  
Website - [www.communitytechnicalaid.org](http://www.communitytechnicalaid.org)

Community Technical Aid is the only region-wide voluntary organisation which provides professional planning and architectural services for community and voluntary groups. We support community participation in planning. We also support community development by assisting groups to develop the skills, knowledge and infrastructure needed to regenerate disadvantaged urban and rural areas.