



Title of Report:	Public Consultation on Validation Checklist		
Committee Report Submitted To:	Planning Committee		
Date of Meeting:	23 October 2024		
For Decision or For Information	For Decision		
To be discussed In Committee YES/NO	No		
Linkage to Council Strategy (2021-25)			
Strategic Theme	Cohesive Leadership		
Outcome	Council has agreed policies and procedures and decision making is consistent with them		
Lead Officer	Head of Planning		
Estimated Timescale for Completion			
Date to be Completed	N/A		
Budgetary Considerations			
Cost of Proposal	Nil		
Included in Current Year Estimates			
Capital/Revenue			
Code			
Staffing Costs			
Legal Considerations			
Input of Legal Services Required	NO		
Legal Opinion Obtained	NO		
Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

1.0 Purpose of Report

- 1.1** The purpose of this report is seek approval to proceed to public consultation on the publication of a statutory Validation Checklist.

2.0 Background

- 2.1** The Northern Ireland Audit Office report, February 2022, acknowledged that application checklists can speed up processing times and notes that DfI is encouraging Councils to introduce validation checklists in advance of the introduction of legislation to make them a legal requirement. The Public Accounts Committee recommended that the Department and local government should implement immediate changes to improve the quality of applications entering the system.
- 2.2** On 22 May 2024, Planning Committee agreed to the implementation of a non-statutory Validation Checklist with a commencement date of 01 September 2024. This validation checklist was prepared in consultation with agents through the RTP/RSUA meeting with the Head of Planning.
- 2.3** On 01 October 2024 DfI made a Statutory Rule “The Planning (General Development Procedure) (Amendment) Order (NI) 2024. The Amendment Order will commence operation on 01 April 2025. The interim period provides time for Councils to prepare and consult on their proposed statutory validation checklists (Appendix 1).

3.0 Details

- 3.1** The validation checklist approved by Planning Committee at its meeting on 22 May 2024 sets out the details of the information required to be submitted at validation stage (Appendix 2). Where an application is submitted without the necessary information set out in the Checklist, the information will be requested from the applicant on an informal basis. The new legislation makes provision for the council issue a formal ‘notice’ of non-compliance with the validation checklist should the necessary information not be forthcoming. The applicant will then have the ability to lodge an appeal to the Planning Appeals Commission (PAC) within 14 days from the date of the notice. The PAC will preside over the appeal and determine whether the additional information in question is necessary. Where the appeal is allowed, the applicant may resubmit the application to the council based on the PAC decision.
- 3.2** The statutory average processing time will be measured from the date of the last information required to make the application valid in accordance with the published Validation Checklist. The consultation will be based on an online questionnaire and targeted engagement with key stakeholders. Feedback from the consultation will inform the proposed final version of the Validation Checklist to be brought to Planning Committee for adoption. The public consultation will be based on the current Validation Checklist implemented on 01 September 2024.

4.0 Proposal

- 4.1 Whilst there is no legislative requirement for councils to publicly consult on their proposed validation checklist, the Planning Department intends to carry out a public consultation exercise over the coming months with key stakeholders to the planning process.

5.0 Options

- 5.1 *Option 1 – To note the contents of the Planning (General Development Procedure) (Amendment) Order (NI) 2024 and AGREES* to the Planning Department carrying out a public consultation with key stakeholders to inform the statutory Validation Checklist.

Although consultation with agents through the RSUA/RTPI meetings has already been conducted, the non-statutory validation checklist has now had a period of time to embed. Now is an opportune time to seek feedback from key stakeholders on the checklist, to take these comments onboard and to review the current checklist before adopting on a statutory basis.

- 5.2 *Option 2 – To note the contents of the Planning (General Development Procedure) (Amendment) Order (NI) 2024 and DISAGREES* to the Planning Department carrying out a public consultation with key stakeholders to inform the statutory Validation Checklist.

Public consultation has already been carried out with stakeholders through the RSUA/RTPI meetings which informed the existing validation checklist. It is therefore not necessary to carry out further consultation.

6.0 Recommendation

- 6.1 **IT IS RECOMMENDED** that the Planning Committee APPROVE OPTION 1 – *To note the contents of the Planning (General Development Procedure) (Amendment) Order (NI) 2024 and AGREES* to the Planning Department carrying out a public consultation with key stakeholders to inform the statutory Validation Checklist.



Department for

Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Regional Planning Governance & Legislation

Council Chief Executives
& Heads of Planning

James House
2-4 Cromac Avenue
The Gasworks
BELFAST
BT7 2JA

Tel: 0300 200 7830

Email: [REDACTED]

Your Ref:

Our Ref:

3 October 2024

Dear Chief Executives & Heads of Planning

Planning Application Validation Checklists

I am writing to advise you that the Department for Infrastructure has made a Statutory Rule entitled "The Planning (General Development Procedure) (Amendment) Order (NI) 2024" (S.R. 2024 No.176), which comes into operation on 1 April 2025. The interim period between laying and making the SR and its commencement is to give time to councils to prepare and consult upon their proposed statutory validation checklists (including engaging with agents in the local area), and to allow the PAC time to develop, consult upon, and put in place its approach to the associated dispute mechanism including drafting potential advice and guidance. A copy of the Order is attached and will be available on the Legislation website in due course: Legislation.gov.uk

This Order amends Articles 3, 5, and 20 of The Planning (General Development Procedure) Order (NI) 2015 (S.R. 2015 No. 72) (the 2015 Order) and introduces a number of new provisions enabling councils to prepare and publish planning application validation checklists to address 'poor quality' or 'incomplete' applications entering the planning system.

A validation checklist will help inform applicants, (above the current minimum statutory requirements which remain unchanged), on the level and type of information required to be submitted with a planning application. Such a list will set out the additional supporting information required to accompany different types of planning applications made to a

E-mail: planning@infrastructure-ni.gov.uk

Website: www.infrastructure-ni.gov.uk/topics/planning

council, specific and proportionate to the type of development proposed, including its nature, scale and location.

The Statutory Rule also introduces an associated appeals mechanism in circumstances where an applicant disagrees with a council's decision (by way of notice issued by the council) not to validate a planning application, and is to be conducted upon application, by the Planning Appeals Commission.

The Department has also taken the opportunity (in the amending Order) to make 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 amendments would align the 2015 Order with the timeframes currently required by the Environmental Impact Assessment Regulations (Northern Ireland) 2017. These technical amendments do not represent a new policy, or substantive change to any existing policy.

These provisions form part of the Department's Planning Improvement Programme, arising from the recommendations contained in the First Report on the Implementation of the Planning Act (NI) 2011, and in addition to recommendations contained in both the NIAO and PAC reports on Planning published in 2022.

The overall objective of such the amendments is to enhance the quality of applications entering the system, to front-load the decision-making process, resulting in better processing times and more efficient consultee responses.

Finally, I wish to put on record the Department's gratitude to councils for their contributions and assistance in developing the amending legislation.

Copies of the Rule may be purchased from the Stationery Office at www.tsoshop.co.uk or by contacting TSO Customer Services on 0333 202 5070 or viewed online at www.legislation.gov.uk.

I trust you find this information helpful.

Yours sincerely



ROSEMARY DALY
Director

Encl

STATUTORY RULES OF NORTHERN IRELAND

2024 No. 176

PLANNING

**The Planning (General Development Procedure) (Amendment)
Order (Northern Ireland) 2024**

Made - - - - - *1st October 2024*

Coming into operation *1st April 2025*

The Department for Infrastructure makes the following Order in exercise of the powers conferred by sections 32, 40(1), and 247(6) of the Planning Act (Northern Ireland) 2011(a) and now vested in it(b).

Citation and commencement

1. This Order may be cited as the Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2024 and shall come into operation on 1st April 2025.

Amendment of the Planning (General Development Procedure) Order (Northern Ireland) 2015

2.—(1) The Planning (General Development Procedure) Order (Northern Ireland) 2015(c) is amended in accordance with paragraphs (2) to (9).

(2) In Article 2(1) interpretation—

(a) after the definition of “the Department” insert—

““EIA application” has the meaning assigned to it by regulation 2 of the EIA Regulations”;

(b) for the definition of “outline planning permission” substitute—

““outline planning permission” means planning permission granted in accordance with the provisions of a development order, conditional on the subsequent approval by the council or, as the case may be, the Department of the particulars of the proposed development (referred to in this Order as reserved matters)”.

(3) In Article 3(3) (applications for planning permission)—

(a) in paragraph (3)(h) omit “and”;

(b) in paragraph (3)(i) after “Regulations” omit “.” and insert “; and”;

(c) after paragraph (3)(i) insert—

(a) 2011 c.25(N.I.)

(b) S.R. 2016 No. 76 – see Article 8 and Part 2 of Schedule 5 of the Departments (Transfer of Functions) Order (Northern Ireland) 2016

(c) S.R. 2015 No. 72

“(j) by such particulars and be verified by such evidence, as may be specified by a direction in writing given by a council made under this Order and published on its website.”.

(4) In Article 5 (application for approval of reserved matters)—

- (a) in paragraph (5)(b) after “permission;” omit “and”;
- (b) in paragraph (5)(c) after “required” omit “.” and insert “; and”;
- (c) after paragraph (5)(c) insert—

“(d) shall be accompanied by such particulars and be verified by such evidence, as may be specified by a direction in writing given by a council made under this Order and published on its website.”.

(5) After Article 5 insert—

“Validation particulars specified by direction

5A.—(1) Subject to paragraph 2 the council may specify by direction published on its website what particulars or verifying evidence shall accompany any application—

- (a) for planning permission; or
- (b) for approval of reserved matters.

(2) Paragraph (1) only applies if the direction is—

- (a) reasonable having regard, in particular, to the nature, scale and location of the proposed development;
- (b) about a matter which it is reasonable to think will be a material consideration in the determination of the application; and
- (c) published or reviewed and re-published by the council during the 3 year period immediately before the date on which the application is made.”

(6) After Article 12 (applications made under planning condition) insert—

“Notice confirming non-compliance with direction

12A.—(1) This Article applies where any application is made to the council—

- (a) for planning permission; or
- (b) for approval of reserved matters,

and the council has made a direction under this Order specifying the particulars, or such verifying evidence, which shall accompany the application.

(2) In the case of any application—

- (a) for planning permission mentioned in paragraph (1)(a); or
- (b) an application for approval of reserved matters mentioned in paragraph (1)(b),

the council shall give notice to the applicant if it considers the application has not been accompanied by such particulars, or verified by such evidence, as specified in the direction made under this Order.

(3) A notice given under paragraph (2) shall be in writing and set out the council’s reasons for issuing the notice and shall specify the particulars or evidence as are reasonable for the council to request.

(4) A notice given under paragraph (2) shall be deemed a refusal for an approval required under a development order under section 58(1) of the 2011 Act.

Appeal against a notice of non-compliance with direction

12B.—(1) If a council gives notice to an applicant under Article 12A(2) the applicant may by notice in writing stating the applicable grounds of appeal, appeal to the planning appeals commission.

(2) Any notice under this Article shall be served on the planning appeals commission and the council within 14 days from the date of the council’s notice under Article 12A(2).

(3) The appeal may be brought on any of the following grounds—

- (a) the application was accompanied by such particulars, or was verified by such evidence, as specified in the direction;
- (b) the identified particular, or such evidence verifying the particular, which the council asserts did not accompany the application has not been specified in the direction;
- (c) the council’s request specifying the particulars or evidence under the notice issued under Article 12A(2) is unreasonable; or
- (d) that the application is not one to which the direction applies.

(4) The planning appeals commission may—

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) vary the notice issued under Article 12A(2) to give effect to its determination on the appeal.

(5) The planning appeals commission decision on the appeal is final.”

(7) In Article 13(4)(b)(ii) for “28” substitute “30”.

(8) In Article 15(2)(a) after “the period of 21 days” insert “, or 30 days in the case of an EIA application, in either case”.

(9) In Article 20(3) (time periods for decisions)—

- (a) in paragraph (3)(b) omit “and”;
- (b) in paragraph (3)(c) after “council” omit “.” and insert “; and”;
- (c) after paragraph (3)(c) insert—

“(d) any direction made by the council under this Order specifying the validation particulars or verifying evidence which shall accompany the application has been complied with.”.

Sealed with the Official Seal of the Department for Infrastructure on 1st October 2024.



Rosemary Daly
A senior officer of the Department for Infrastructure

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Planning (General Development Procedure) Order (Northern Ireland) 2015 (the 2015 Order), to enable local council planning authorities to prepare and publish planning application validation checklists.

Article 5A is inserted to enable councils to specify by direction validation particulars or verifying evidence that is required by the council to accompany an application for planning permission or for approval of reserved matters.

Article 12A is inserted requiring councils to issue a notice (notice of non-compliance with direction) to an applicant where an application does not comply with the specified information requirements in the direction.

Article 12B is inserted and sets out four grounds for appealing against a notice of non-compliance with direction. Appeals are to be to the Planning Appeals Commission.

This Order 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 (Northern Ireland) 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 would align the 2015 Order with the timeframes currently required by the Environmental Impact Assessment Regulations (Northern Ireland) 2017.

The Explanatory Memorandum is available alongside the instrument on the Government’s legislation website: www.legislation.gov.uk

VALIDATION CHECKLIST TEMPLATE

Part 1 Information Required Under Current Legislation

Application Type	Information Required
Full Planning Permission	<p>Application Form submitted and signed</p> <p>Ownership Certificate</p> <p>Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended).</p> <p>Site Location Plan</p> <p>Plans and drawings</p> <p>Design and Access Statement (if required)</p> <p>Pre-Application Community Consultation Report (if required)</p>
Outline Planning Permission	<p>Application Form submitted and signed</p> <p>Ownership Certificate</p> <p>Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended).</p> <p>Site Location Plan</p> <p>Plans and drawings</p> <p>Design and Access Statement (if required)</p> <p>Pre-Application Community Consultation Report (if required)</p>
Approval of Reserved Matters	<p>Application Form submitted and signed</p> <p>Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended).</p> <p>Plans and drawings</p>
Section 54 Non-Compliance with planning conditions previously attached	<p>Application Form submitted and signed</p> <p>Ownership Certificate</p> <p>Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended).</p>
Advertisement Consent	<p>Application Form submitted and signed</p> <p>Ownership Certificate</p> <p>Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended).</p> <p>Site Location Plan</p> <p>Plans and drawings</p>
Listed Building Consent	<p>Application Form submitted and signed</p> <p>Ownership Certificate</p>

	<p>Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended).</p> <p>Site Location Plan Plans and drawings Design and Access Statement</p>
Conservation Area Consent (Demolition)	<p>Application Form submitted and signed Ownership Certificate Site Location Plan Plans and drawings</p>
Certificate of Lawful Use or Development (Existing)	<p>Application Form submitted and signed Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended).</p> <p>Site Location Plan Plans and drawings</p>
Certificate of Lawful Use or Development (Proposed)	<p>Application Form submitted and signed Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended).</p> <p>Site Location Plan Plans and drawings</p>
Proposal of Application Notice (PAN)	<p>Application Form submitted and signed Site Location Plan Plans and drawings</p>
Discharge of Condition	<p>Statement outlining the planning reference number and the condition number(s) you seek confirmation of discharge for Plans and drawings/reports/materials (if applicable)</p>
Non-Material Change	<p>Application Form submitted and signed Statement describing the proposed change to the original approval Plans and drawings</p>

Part 2 Additional Information Required Under Validation Checklist

Additional Information Required	Type of Application
Air Quality Impact Assessment	Intensive livestock units for poultry, pigs, cattle or sheep, anaerobic digester plants or manure storage facilities. Intensive development that may give rise to air pollution. Major development within an Air Quality Management Area
Archaeological Assessment	Proposals where the impact of a development on important archaeological remains is unclear or the importance of such remains is uncertain
Archaeological Report	Applications within an Area of High Archaeological potential or have the potential to impact on archaeology
Biodiversity Checklist	Development that would impact upon, or have the potential to impact on natural heritage features, including designated sites, priority habitats or protected and priority species
Biodiversity Surveys/Ecological Reports	Where the need for a survey is identified as part of the completion of the Biodiversity Checklist
Construction Environmental Management Plan (outline)	Development in close proximity to a watercourse, sensitive coastal and harbour locations, within or in close proximity to protected designated sites such as Special Protection Areas (SPAs), Ramsar Sites and Areas of Special Scientific Interest (ASSIs)
Contaminated Land Report	New development on, or in proximity to, land which has a current or previous use that has the potential for contamination on former industrial sites e.g. petrol filling stations or landfill sites
Daylight, Sunlight and Overshadowing Assessment	Residential extensions in semi-detached or terraced properties
Design Concept Statement	All applications for residential development of more than 2 houses.
Demolition Justification Report & Structural Survey	All applications for the demolition of all or a significant part of, a Listed Building or a building in a Conservation Area, Area of Townscape character or Area of Village Character
Drainage Assessment	Applications for 10 or more residential units, sites over 1Ha or areas of hardstanding/floorspace exceeding 1000msq.

	Where development is located within an area with historic surface water flooding Where surface water run-off from proposed development may adversely affect other development or features of nature conservation, built heritage or archaeology
Environmental Statement	Development that falls under Schedule 1 of the EIA Regulations and/or where the Planning Authority has issued a screening opinion that the proposal is EIA development
Farm Maps, location of farm buildings and Evidence of active and established farm business	All applications for dwellings on a farm and for a building on a farm
Flood Risk Assessment	All applications inside a 1 in 100year climate change flood plain (as identified on the DFI Rivers Flood Maps (NI) map viewer)
Landscape and Visual Impact Assessment	For development within the Distinctive Landscape Setting of the Giant's Causeway World Heritage Site
Lighting and or light spillage plan	Any application which includes floodlights and /or new lights on sites near watercourses or other sensitive receptors
Noise Report	Development that is likely to impact upon nearby approved or existing dwellings or other sensitive receptors due to noise
Odour Report	Development that is likely to impact upon nearby approved or existing dwellings or other sensitive receptors due to odour
Parking Survey	Where there is an identified parking need that cannot be accommodated within the application site
Planning Statement	All applications – sets out how the proposal addresses the applicable planning policies and relevant material considerations
Sequential Test	Retail, cultural and community facilities, leisure, entertainment and business uses that are not in the primary retail core and are not in accordance with an up-to-date LDP
Structural Survey	Development involving whole or partial demolition of a building: in a Conservation Area or Listed Building where the justification is the structural condition of the building. demolition of a building within an Area of Townscape Character if the building is

	<p>deemed by the Planning Service to make a contribution to the overall character of the area</p> <p>the conversion of a rural building in the countryside to demonstrate that it is capable of conversion without major or complete reconstruction;</p> <ul style="list-style-type: none"> • the erection of buildings on sites where there is a possibility of land instability
Retail Impact Assessment	Retail, cultural and community facilities, leisure, entertainment and business uses and extensions exceeding 1,000sqm that are not within the town centre and are not in accordance with an up-to-date LDP
Telecommunications Supporting Statement	Development of new or replacement telecommunications masts
Transport Assessment Form (TAF)	<p>Applications for 25 or more units or non-residential with a gross floor area of 500 sqm or more.</p> <p>A proposal when it is likely to generate 30 or more vehicle movements per hour</p> <p>A proposal when it is likely to generate 10 or more freight movements per day or 5 in any given hour</p>
Transport Assessment	Where a TAF identifies that a new development would likely have significant transport implications
Travel Plan	<p>A Travel Plan will be required for</p> <ul style="list-style-type: none"> • When informed by the Transport Assessment
Tree Survey	Development that will impact upon existing trees of amenity value within or adjacent to the site
Waste Management Plan	<p>Applications for intensive livestock development or minerals.</p> <p>New residential development for which communal waste storage is proposed (e.g. apartments, flats or sheltered housing)</p> <p>New commercial development of 500m² or more</p>