

DIRECTION TO ALL DISTRICT COUNCILS

THE PLANNING (NOTIFICATION OF APPLICATIONS – PETROLEUM) DIRECTION 2021

The Department for Infrastructure makes the following Direction, in exercise of powers conferred on it by Articles 17 and 18 of the Planning (General Development Procedure) Order (Northern Ireland) 2015(a)

Commencement

1. This Direction comes into operation on 20th September 2021.

Interpretation

2. In this Direction—

“council” means district council;

“Department” means the Department for Infrastructure;

“electronic communication” has the meaning given in section 4(1) (interpretation) of the Electronic Communications Act (Northern Ireland) 2001(b);

“petroleum development” means searching and boring for and getting petroleum;

“petroleum” has the same meaning as given in section 1 of the Petroleum Act 1998(c);

“requisite notice” means notice in the appropriate form set out in Schedule 1 to the Planning (General Development Procedure) Order (Northern Ireland) 2015 or in a form substantially to the same effect.

Application

3. This Direction applies to any application for planning permission made to a council—

- (a) made on or after 20th September 2021;
- (b) for development which is petroleum development; and
- (c) which the council proposes to grant planning permission.

Notification to the Department

4. Where a council proposes to grant planning permission for petroleum development, the council must notify the Department.

Information to be given to the Department

5. Where the council is required to notify the Department when it proposes to grant planning permission for petroleum development, as specified in paragraph 4, it must send by means of electronic communication or otherwise a copy of -

- (a) the application (including copies of any accompanying plans, drawings, statements, assessments, pre-application material and any other supporting information);
- (b) the requisite notice;
- (c) any representations made to the council in respect of the application;

(a) S.R. 2015 No. 72

(b) 2001 c. 9 (N.I.)

(c) 1998 c. 17

- (d) any report on the application prepared by the council;
- (e) any screening opinion issued under the Planning (Environmental Impact Assessment) (Northern Ireland) Regulations 2017^(a); and
- (f) any appropriate assessments carried out under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 ^(b).

Restriction on grant of planning permission

6. Where a council is required to notify the Department under paragraph 4, the council must not grant planning permission on the application until the expiry of the period of 28 days^(c) beginning with the date which the Department tell the council in writing is the date upon which they received the information specified in paragraph 5.

7. The council may proceed to determine the application if, before the expiry of the period referred to in paragraph 6, the Department notifies the authority that it does not intend to issue a direction under section 29 of the Planning Act (Northern Ireland) 2011^(d) in respect of that application.

Sealed with the Official Seal of the Department for Infrastructure on 17th September 2021

(L.S.)

Angus Kerr
A senior officer of the Department for Infrastructure

(a) S.R. 2017 No. 83; to which there are amendments not relevant to this Direction
(b) S.R. 1995 No. 380; relevant amending regulation is S.R. 2015 No. 182
(c) The 28 day time period may be extended by Direction under Article 17 of The Planning (General Development Procedure) Order (Northern Ireland) 2015
(d) 2011 c. 25 (N.I.)