

PLANNING POLICIES RELEVANT TO RURAL WASTE MANAGEMENT DEVELOPMENTS: MAJOR PLANNING APPLICATIONS

This note provides an outline of the process for handling major planning applications, and the rationale which informs it.

What is an Article 31 Planning Application?¹ Article 31 of the Planning (NI) Order 1991 enables the Department to deal with major planning applications under special procedures where it considers that the development for which the permission or approval is sought would, if permitted:

- Involve substantial departure from the relevant development plan.
- Be of significance to all, or a substantial part, of NI.
- Affect the whole of a neighbourhood.
- Consist of, or include, construction, formation, laying out or alteration of means of access to a trunk road, or of any other development of land within 67m of the middle of such a road, or of the nearest part of a special road.

What types of application might be subject to Article 31? In deciding whether to apply Article 31 procedures, the Department will consider:

- The strategic significance of proposals.
- The environmental effects of proposals.
- The scale and nature of proposals.

How will 'strategic significance' be assessed? The Department will consider:

- The relationship of the proposal to the Regional Development Strategy (RDS).
- Its contribution to the broader policies and objectives of Government.
- Any significant implications beyond NI.

For **Major Economic Developments**, RDS anticipates strategic significance in:

¹ http://www.planningni.gov.uk/Devel_Control/info_leaflets/Article31/article31.htm

- The development of strategic employment locations.
- Projects in major economic development corridors, including those which may have the potential to serve extensive cross border catchments.
- Projects that may comprise a major development package bringing benefits in terms of improvements to regional infrastructure.

For **Major Infrastructure Projects**, the Department will take account of:

- The scale of the proposals.
- Their significance in contributing to the implementation of the RDS.

How will 'environmental effects' be assessed? The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999, and published guidance in Development Control Advice Note 10, Environmental Impact Assessment, will inform judgements as to what constitutes 'environmental effects', and in consequence the cases to which Article 31 should be applied.

The **Environmental Impact Assessment (EIA) Regulations** identify two categories of development:

- Schedule 1 cases, for which an EIA is considered mandatory.
- Schedule 2 cases, for which an EIA is considered discretionary, depending on the nature of the proposals.

The Department will apply Article 31 procedures to planning applications that involve Schedule 1 developments, and to Schedule 2 developments that are major developments of such a scale as to have wide ranging environmental effect and be of more than local importance. Where environmental impacts are judged to require the submission of an Environmental Statement but the impacts are localised, the Department will deal with such applications by the normal process route

What are the 'scale and nature' thresholds in assessing applications against Article 31? The Department will apply Article 31 procedures to:

- Large developments (involving industrial, mixed retail use, retail food, leisure/recreational uses) whose scale and nature are of more than local importance and which have impacts beyond local areas.
- Exclusively housing proposals only in exceptional circumstances, as the Department considers that planning applications for housing can be effectively judged against prevailing plans and policies.

How are Article 31 applications determined? The Department may:

- Serve a Notice of Opinion to approve or refuse planning permission, to which the applicant may respond by requesting a hearing before the Planning Appeals Commission (PAC), whose report will be considered by the Department when determining the application.

- Cause the PAC to hold a public local inquiry to consider representations made in respect of the application, and report on the outcome (this report will be considered by the Department when determining the application).

The decision of the Department on Article 31 applications is final.

How is the process route decided? The procedures involved in the processing of a planning application provide the Department with substantial information on:

- The nature of the proposal.
- Their impact on the environment and the amenity of residents.
- The views of the public and elected representatives.

Most applications, including Article 31 cases, can be determined on the basis of current plans and policies, taking account of the views of consultees, the public and elected representatives; a public local inquiry may be held where it will provide additional necessary information. The volume of public objections will not be a determining factor in the decision to hold a public local inquiry.

Will this process change under the Review of Public Administration?² It is unlikely that the process will change to any significant degree, as the Review of Public Administration proposed to:

- Transfer the bulk of development control functions to local government, but this excludes regionally significant applications.
- Require local government to lead and facilitate a community planning process in which councils work closely with communities and service providers to identify and respond to need.

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http://www.doeni.gov.uk/emerging_findings_paper_for_executive_meeting_on_18_october_2007_-_final_version.pdf