

A Guide to the Planning Application Process

November 2020



**Ards and
North Down**
Borough Council

Ards and North Down Planning Service

A guide to the planning application process

Our aim: to guide appropriate development to the right places in our borough whilst preventing developments that are not acceptable.

Introduction

The overall objective of the planning system is to further sustainable development and improve well-being for the people of our Borough. The planning system can unlock development potential, support job creation and aid economic recovery, but should not do so at the expense of compromising environmental standards.

Whilst the planning process may not always be able to reconcile competing interests, transparency, fairness and accountable decision-taking are fundamental to ensuring all interests are taken into account.

The Planning system is instrumental in helping us realise our purpose – ‘To make Ards and North Down the best place to live, work, visit and invest. It will also give the spatial realisation to the Council’s first Community Plan – [‘The Big Plan – Creating Positive Outcomes for everyone’](#)’.

Ards and North Down has responsibility for the majority of planning functions that affect our borough, including:

- Preparation of a new [Local Development Plan](#) which will apply regional planning policies at the local level and inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposal that will guide development decisions within our Borough.
- Making decisions on planning applications ranging from small householder extensions up to large residential developments or retailing/industrial

developments;

- Making Tree Preservation Orders and assessing applications for consent for works to protected trees and trees within the Conservation Areas of Donaghadee, Holywood, and Portaferry;
- Investigating alleged breaches of planning control and enforcing where appropriate;
- Providing advice to customers on the planning service, process and pre-application discussion on larger schemes.

Our aim is to provide a professional service that that is understandable, clear and transparent to all affected by the planning system.

Our [Statement of Community Involvement](#) sets out our policy as to the involvement, in the exercise of our planning functions, of persons who appear to the Council to have an interest in the matters relating to development in Ards and North Down. It explains how the community and stakeholders will be involved in the planning application process as well as the preparation of the Local Development Plan.

Legislative and Policy Context

[The Planning Act \(NI\) 2011](#) sets out the legislative framework for the planning system in Northern Ireland. It requires that planning applications are determined in accordance with the Local Development Plan for the area, unless material considerations indicate otherwise. Until we adopt our Local Development Plan the extant development plans for our Borough are the Ards and Down Area Plan 2015, the North Down and Ards Area Plan 1984-1995, with the draft Belfast Metropolitan Area Plan 2015 being a material consideration.

Please refer to the planning pages of our website for more information on the preparation of our Local

Development Plan, including our Preferred Options Paper, and for guidance on what constitutes a material consideration.

The Department for Infrastructure (DFI) is responsible for planning at the regional level and has published a series of planning policy documents that are important material considerations in the decision-making process. These include:

- The Regional Development Strategy for Northern Ireland 2035 (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statements

DFI also publishes Development Management Practice Notes (DMPN) to assist in understanding the planning process.

Who can apply for planning permission?

Anyone can apply for planning permission to develop land. You do not need to have any legal interest in the land to which the application relates when you apply for planning permission, nor do you require the consent of the owner. However, if you apply for planning permission your application must be accompanied by a Certificate of Ownership which states an applicant's legal interest in the land. If you do not own the land to which the application relates, you are legally required to give notice of the making of the planning application to the owner of the land.

Do I need planning permission¹?

You may need to apply for the following types of development:

- **Planning permission:** for building works (including new buildings, structures and external alterations, change to ground levels, mining operations, and changes of use of land or buildings)
- **Advertising Consent:** for new signage

¹ You can refer to 'Your Home and Planning Permission' on our website

- **Listed Building Consent:** for the carrying out of any work for demolition, alteration or extension of a listed building (including internal works or objects attached to the structure), which would affect its character as a building of special architectural or historical interest. It is important to note that you may also be required to apply for planning permission for external and substantial works.
- **Conservation Area Consent:** for the demolition of whether in whole or in part, unlisted buildings within a conservation area. 'Building' includes any structure or erection and any part of a building. This means items such as walls, fences, gates, railings, flights of steps are buildings for the purposes of Conservation Area Consent.
- **Works to a tree protected by a Tree Preservation Order, or to any tree within a Conservation Area**

When is planning permission not required?

Certain types of development do not require planning permission. [The Planning \(General Permitted Development\) Order \(Northern Ireland\) 2015](#) sets out the rules for 'permitted development' for certain small-scale development. If you wish to confirm whether your proposal requires permission, you may apply to us for a Certificate of Lawfulness for a Proposed Use or Development.

Deemed Advertisement Consent

Certain advertisements and signage can be erected without the need for express consent from the Council. The rules for this 'deemed consent' are set out in the [Planning \(Control of Advertisements\) Regulations \(NI\) 2015](#) under Schedules 2 and 3.

How do I submit a planning application?

Whilst Planning legislation sets out the statutory minimum information that must be provided with any application, our **Application Checklist** sets out the range of information which may also be required

to support your application, dependant on the type of proposal.

It is vital that we receive the correct information at the start of the process in order that we can assess the proposal properly, otherwise if we don't have the information your application may be refused, or if we have to ask for it later in the process your application will be delayed.

It is therefore recommended that you refer to the Application Checklist before submitting your planning application.

Pre-Application Discussion (PAD)

By facilitating effective and meaningful pre-application discussions we can ensure opportunity to work collaboratively with applicants and to improve the quality of developments are maximised. We will operate a proportionate approach in light of the nature, scale and benefits of the application. For instance, if the query is of a more general nature, a simple discussion between the Duty Planner and the prospective applicant may be sufficient to address any concerns, or referral to existing advice and guidance already available on the Council's or DFI's website may be adequate to alleviate any concerns that a prospective applicant may have.

For smaller scale proposals we advise that it can be beneficial for you to discuss your proposal with any neighbour who may be affected before making your planning application.

Engaging in the PAD process can help, inter alia, to identify potential policy constraints and other material issues which need to be addressed at an early stage in the process, facilitate comments from key consultees at an early stage in the process, offer an opportunity for informed amendments and improvements to be made to schemes prior to formal submission, thereby potentially reducing the time taken for an application to move through the planning system.

Where the PAD process is utilised, the Council fully expects applicants to have taken account of the advice provided in the submitted application.

Please refer to DFI's DMPN 10 ²for detail of what you should submit for a PAD.

Duty Planner

We operate a Planning Appointment System on weekday afternoons in our offices at 2 Church Street, Newtownards, at which you can get advice on submitting an application. You can also phone the office and get speaking to a Duty Planner who will be able to offer advice on the planning system. Please contact our Planning Administrative Office on 028 91824006. The appointment system is suspended during times of pandemic.

The Planning Application Process

Receipt of your application

When we receive your application, we will check if you have submitted the appropriate information using our Application Checklist.

If we determine that information is missing, we will 'park' your application and write to you requesting submission of the missing information within 14 days. If you are unable to provide the information in time, we may return your application (including your fee) so that you can submit it again when all the information we need is provided.

If you elect to proceed without the requested information, there is a risk your application will be refused and your fee will not be returned. When you submit a complete application with all the appropriate information, you will receive an acknowledgement which will include the Case Officer's name and contact details, normally within seven days³. The Case Officer will be responsible for managing your planning application and will be your point of contact throughout the process.

² Development Management Practice Note 10: Pre-Application Community Consultation (and Pre-Application Discussions)

³ This may take longer during a pandemic given working arrangements

If you have appointed a planning agent to act on your behalf, we will carry out all communication relating to your application with your agent to avoid duplication of effort. Where you have appointed an agent you are expected to communicate with your agent with regard to the progress of your planning application rather than directly with the Planning Service, or via elected members or MLAs/MPs as this creates duplication of effort and utilises resources which are best used to progress your proposal.

Consultation

Once we have all the information we need, we will carry out consultations on the proposal in accordance with the legislative requirements. We will:

- Publish notice of the application in the local press ⁴(Newtownards Chronicle and Bangor Spectator)
- Notify neighbours of the application by letter
- Publish notice of the application on the Planning pages of the Council's website
- Notify relevant statutory consultees, such as government departments (Roads, Rivers, Natural Environment, Built Heritage etc.)
- Notify relevant non-statutory consultees such as the Council's own Environmental Health Department or Tree Officer

Legislation prohibits a decision being issued until the expiry of 14 days from the date an application is advertised, or neighbour notified, whichever is the later. We also cannot issue a decision until at least 21 days after we have consulted a statutory consultee. (Please note that applications requiring an Environmental Statement under the Planning (Environmental Impact Assessment) Regulations (NI) 2017 have a longer consultation period.

Planning legislation sets out that we must inform 'any identified occupier on neighbouring land'. This is known as 'neighbour notification'. 'Neighbouring land' is land which directly adjoins the application

site, or which would adjoin it but for an entry or road less than 20 metres in width. An 'identified occupier' is an occupier of premises within a 90 metre radius of the boundary of the proposed application site. If the boundary of a site abuts the red line of the application site but the property is outside of 90 metres, the neighbour will not receive a notification. Properties must also be occupied.

Site Visits

In the vast majority of cases the Case Officer will visit the site to assist in the assessment of the impact of the proposal in the wider context. It is not possible to advise you of when a visit may take place, as the Case officer will normally visit several sites on the same day; however, if we need to gain access, the Case officer will make contact to arrange access in advance.

Feedback on your application

We will normally only contact your agent (or you if no agent appointed) if we have a problem with your application. Please note it may not always be possible to address the concerns under the current application and sometimes a new application may be required.

Please note - We expect your planning agent (or you if you have no agent) to keep track of consultation responses whereby additional information is required, via Public Access ⁵on the NI Planning Portal, and to address accordingly. If we consider your application should be refused, we will notify you before any formal decision is made.

The Council will not engage in prolonged negotiation with applicants on proposals which do not meet planning policy, or which would require substantial amendments to reach a recommendation of approval. We will offer one opportunity to address concerns, after which inappropriate proposals will be recommended for refusal.

⁴ Or other major newspapers where publication of local press is suspended

⁵ <http://epicpublic.planningni.gov.uk/publicaccess/>

Applications that have fundamental problems will be recommended for refusal straightaway.

You can track the progress of a planning application through the Public Access system on the Planning Portal website. This includes the option of registering for email notifications about 'tracked' applications.

Timely decision-making

We aim to decide local development applications ⁶within an average processing time of 15 weeks and major development applications ⁷within an average processing time of 30 weeks, in accordance with the statutory performance indicators set out in [The Local Government \(Performance Indicators and Standards\) Order \(NI\) 2015](#). In addition, we have introduced an internal performance target of 8 weeks for decisions on householder⁸ applications.

These indicators are average processing times and we will not always be able to decide all applications within these time periods.

If there is a problem with your application we will let you know as early as possible, but if it is not possible to resolve the issue within the above timeframes, we may invite you to withdraw your application and submit a new application that addresses our concerns to avoid your original application being refused.

Our Pre-Application Discussion and Planning Advice Appointments/Duty Planner advice are aimed at identifying issues early and to assist you in submitting a better application.

You can lodge an appeal with the Planning Appeals Commission in default of a decision by the Council. In respect of an application for planning permission within the category of major development, within a period of 16 weeks, and for local development, a period of 8 weeks, beginning on the date when the application was received by the Council. You can also

⁶ All other development that does not fall within the definition of major development.

⁷ The definition of a 'major' development is provided within The Planning (Development Management) Regulations (NI) 2015

apply to the Council to agree an extension to this time period for decisions in order to keep your opportunity to appeal against a non-determination open. Details are set out in [The Planning \(General Development Procedure\) Order \(NI\) 2015](#) at Article 20.

Case Officer Report

For all applications, the Case Officer will write a report that sets out their recommendation as to whether the planning application should be approved or refused. The report is a professional assessment of the relevant issues and only material planning considerations may be considered as part of the assessment. The Case Officer Report is always countersigned by at least one other officer.

In the interests of transparency, the Case Officer Report will be made publicly available on the Planning Portal once the recommendation has been made - in the case of the delegated list, on the day the delegated list is circulated to the Planning Committee for consideration, and for applications being discussed by Planning Committee, normally five to ten working days prior to the Committee meeting.

How we make decisions

The majority of planning applications are determined in accordance with the officer recommendation under 'delegated powers'. Our [Scheme of Delegation](#) sets out in detail when decisions are delegated to officers and when they must be made by the Planning Committee.

Delegated Applications

AND operates a weekly delegated list whereby applications for which a recommendation has been made by officers, but for which a decision has not yet issued, is circulated to members of the Planning Committee. Those members then have a period of

⁸ Householder applications are for domestic proposals such as an extension, garage, outbuilding, shed, satellite dish, fence, alterations to an access or driveway and other home improvements

48 hours within which they can request an application be 'called in' for discussion and determination at a subsequent Planning Committee meeting.

Planning Committee Meetings

The Planning Committee normally meets on the first Tuesday of each month (unless otherwise advertised) and determines all applications for major development, those in which the Council has an interest, and certain other applications as set out in the Council's Scheme of Delegation for Planning.

Please note - **we will NOT notify you** of when an application is going to be heard by the Planning Committee. You must check the Schedule of those applications to be determined by the Planning Committee which is published on our website each month ten working days before the Planning Committee meeting. You can find details of when the Schedule for the next Planning Committee is due to be published on the website and in the weekly local press advert regarding new planning applications.

If you would like to speak at Planning Committee regarding an application which is going to be discussed, you must apply for speaking rights at the appropriate time. **Please note we do not accept applications to speak at Planning Committee via either objections to or letters in support of an application.** Details of how to apply are set out in [Protocol for the Operation of the Planning Committee](#) and in our [guidance](#) on the Planning pages of the Council website. Late requests for speaking will not be accepted. You will also be required to submit a copy of your address to Planning Committee in advance of the meeting. Failure to submit by the prescribed time will mean your speaking rights will be denied.

Commenting on a Planning Application

Anyone can submit comments on a planning application. Comments must be made in writing and can be made online via the Planning Portal website, or by post to The Planning Office, 2 Church Street,

Newtownards, BT23 4AP, or by email to planning@ardsandnorthdown.gov.uk.

Please note, in line with our Scheme of Delegation, petitions or pro-forma letters will only count as one representation (where they raise a material consideration). In respect of petitions we will only correspond with whomever submitted the petition and NOT with all other signatories.

Representations are subject to the provisions of the Data Protection Act 2018 and General Data Protection Regulations (GDPR). Any personal or sensitive information contained in a representation or any information considered to be of a derogatory or offensive nature will be redacted from the representation.

In assessing a planning application, we can only take account of material planning considerations. See our guidance document '[Commenting on a Planning Application](#)' for examples of what are material considerations. Any comments made should be restricted to material planning considerations only. For example, we cannot consider civil disputes or issues regulated by other non-planning legislation.

The Case Officer will take account of the material planning issues raised within any representation. Given the large volume of correspondence received in relation to planning applications, we are unable to respond on individual comments/queries submitted.

Please note – **we will NOT** notify objectors to, or supporters of, a proposal when an application is going to be heard by Planning Committee or when it is being included on the delegated list. Decisions made via the delegated list are published weekly on the Planning pages of the Council's website. Interested parties should check the agenda for upcoming Planning Committees on the Council website.

After a Decision is Made

Where we have received a significant number of representations to a particular application, after a decision has been issued or an application withdrawn, we may choose to place a notification in the local press or on the planning pages of our

website rather than write to each person individually to notify them of the outcome/withdrawal.

The making of a decision on a planning application is not always the end of the planning process.

As an applicant you must ensure that you carry out the proposal in accordance with the approved plans. We also check applications made to the Council's Building Control Department to ensure what is proposed in the application to Building Control matches what you have planning approval for.

Commencement of Development

You will also have to ensure that you comply with any condition(s) specified on your planning permission. These may specify submission and approval of various details **prior to any work taking place** (see below on Discharging Planning Conditions), or require you to do other works on site prior to commencing the development you have permission for (see below on Pre-Commencement Conditions). You must then have 'carried out works in the course of construction' of the development for which you have permission within the timeframe for commencement. Failure to do so may result in a breach of planning control and could incur formal enforcement action and you losing your permission.

Discharging Planning Conditions

We prefer all information to be submitted at the start of a planning application for detailed assessment; however, dependent on circumstances, we often impose planning conditions on a permission that require submission of further details to the Council for our approval prior to certain works being carried out or uses commencing. You should allow at least eight weeks for this information to be assessed following its submission and you should take account of this in your project timeline. More complex information may take longer to process as we may need to consult with other statutory bodies. Failure to comply with these conditions could make your proposal unauthorised and liable to enforcement action.

Pre Commencement Conditions

Often conditions are added to your permission which require certain actions to be carried out before you physically commence the development for which you received planning permission. These are usually worded as 'No development shall take place until...' or 'Prior to any works starting on site....'. You should ensure that you comply with these conditions accordingly before starting works in the course of construction of the development, otherwise failure to do so could make your development unauthorised and liable to enforcement action.

Monitoring Conditions and Planning Agreements

In the interest of compliance and identifying breaches of planning control, we actively monitor planning agreements made under Section 76 of the Planning Act to ensure they are complied with. We may also monitor certain planning conditions to make sure they are complied with, for example, where a replacement dwelling has been approved conditional on demolition of the original dwelling.

Other non-planning consents

It is the applicant's/developer's responsibility to ensure compliance with any relevant non-planning legislation when they implement their planning permission/consent, such as licensing, roads, drainage, water and other environmental permits. We do not attach specific informatives to any planning permission decisions, therefore applicants may find it useful to refer to any standing advice/informatives referred to by consultees as part of the planning process on each application.

Right of Appeal

As an applicant you have the right to lodge an appeal with the [Planning Appeals Commission](#) (PAC), an independent appellate body, in respect of the following:

- Absence of a decision within the requisite timeframe (see page 5 on non-determination)
- Refusal of planning permission/consent;

- Imposition of a condition(s) on a planning permission.

You should note that the appeal is limited to the applicant only and an appeal must be lodged within four months of the decision. There is no third-party right of appeal in Northern Ireland. People who wish to be involved in an appeal can apply to the PAC in response to a public notice it will place in the local press, or by writing to its office at the following address:

The Planning Appeals Commission
Park House
87-91 Great Victoria Street
Belfast
BT2 7AG

Tel: 028 9024 4710
E-mail: info@pacni.gov.uk

Judicial Review (JR)

As a third party you can challenge a planning approval on a point of law by applying to the High Court for leave to judicially review. This must be done within three months of the decision. The court has a "supervisory" role, making sure the Council has acted lawfully. It is important to understand that a JR is not a re-run on the merits of the decision but a challenge to the lawfulness of the decision that was made. Anyone considering such a course will need legal advice.

Enforcement of Breaches of Planning Control

We investigate all complaints (except anonymous) about alleged unauthorised works or use of land. Please refer to [our Enforcement Strategy](#) for details of how we carry out this service and how to make a complaint about an alleged breach.

Complaints about the Planning Service

We want you to help develop and improve our service you receive from Ards and North Down Borough Council's Planning Service. You can find a copy of our customer services standards and procedures on our website at www.ardsandnorthdown.gov.uk

In any organisation, things can sometimes go wrong and there is room for improvement. That is why we encourage all of our customers to contact us, as feedback will help us improve.

If you feel something could have been improved or wish to complain about something you think we have done wrong, you can make a complaint which will be dealt with in accordance with our [Complaints Procedure](#). We promise to take your comments and complaints seriously. We will find out where our service has disappointed you, where possible provide an explanation and take steps to improve our service. Please note that we cannot change the decision on a planning application through the Complaints Procedure.

Contacting the Planning Service

You can contact our Planning Service in the following ways:

Email: planning@ardsandnorthdown.gov.uk

Tel: 0300 013 3333 or 028 91824006

Post: Ards and North Down Planning Service
2 Church Street
Newtownards
BT23 4AP

Web: www.ardsandnorthdown.gov.uk

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