



Suzanne Wylie
Belfast City Council
Chief Executive's Department
City Hall
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BT1 5GS

Chief Executive's Office		
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Ref SW/29/2		

9 February 2016

Ref: COR 12971

Dear Ms Wylie

I am replying to your letter dated 9 September 2015 and apologise for the delay. The review of the Departments decision that exploratory drilling at Woodburn Forest, Carrickfergus is permitted development raised complex matters which required careful consideration.

On 28 August 2013, InfraStrata notified DOE of its intention to drill an exploratory borehole and asserted permitted development rights pursuant to Planning (General Development) Order (NI) 1993 [Schedule 1, Part 16.

On 19 December 2013, DOE advised InfraStrata that the proposed borehole development and associated infrastructure constituted permitted development. As part of its determination, the Department made an EIA screening decision. It concluded that the proposed borehole was not likely to give rise to significant environmental effects and therefore did not constitute EIA development. It therefore confirmed the existence of permitted development rights.

The effect of the legislation is to grant planning permission for the scheduled forms of development. Planning permission is granted by operation of law, upon compliance with the requirements of the Order. It is not dependent upon submission of a planning application, to be determined by the planning authority.

The power of revocation is only available in respect to a planning application. In the case of permitted development there is no requirement for an application, merely notification. The result is that the power of revocation is not available to remove permitted development rights.

The only procedural opportunity for Council to remove permitted development rights is to exercise its power under Regulation 7 of the Permitted development Order 2015. It empowers the Council to issue a direction that Part 16 permitted development rights will not apply. The power may only be exercised within 21 days receipt of the notification. In this case, the power

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Chief Executive
Anne Donaghy



**Mid & East
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Borough Council

is simply not available to the Council to change the earlier decision and that the appropriate remedy is for a third party to challenge the initial decision. In this case, there is no such challenge.

Yours sincerely



Paul Duffy
Head of Planning

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