STATUTORY RULES OF NORTHERN IRELAND

2015 No. 188

PLANNING

The Planning (Simplified Planning Zones) Regulations (Northern Ireland) 2015

Made - - - -	*26th March 2015*
Coming into operation	*22nd April 2015*

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by sections 34(4), 247(1) and (6) of, and paragraphs 2(2), 3(a), (b) and (c) and 8 of Schedule 1 to, the Planning Act (Northern Ireland) 2011(**1**).

Citation and commencement

1. These Regulations may be cited as the Planning (Simplified Planning Zones) Regulations (Northern Ireland) 2015 and shall come into operation on 22nd April 2015.

Interpretation

2. In these Regulations—

"the 2011 Act" means the Planning Act (Northern Ireland) 2011;

"by advertisement" means by publication in the Belfast Gazette and by local advertisement;

"the Department" means the Department of the Environment;

"duly made" means made in accordance with these Regulations;

"independent examination" has the meaning given by paragraph 4(1)(a) of Schedule 1 of the 2011 Act;

"local advertisement" means an advertisement for two successive weeks in at least one newspaper circulating in the district of the council;

"owner" has the same meaning as in section 250(1) of the 2011 Act;

"Schedule 1" means Schedule 1 to the 2011 Act;

"Scheme" means a simplified planning zone scheme, and references to a numbered form are to the form bearing that number in the Schedule to these Regulations.

(**1**) 2011 c.25 (N.I.)

Consultation and notification before depositing proposals

3.—(1) Where a council proposes to make or alter a scheme, it must consult—

(a) where its proposals would permit any development which in its opinion falls within a description mentioned in Part 1 of Schedule 3 to the Planning (General Development Procedure) Order (Northern Ireland) 2015(**2**), the person named as consultee in relation to that development;

(b) the council for any district which adjoins that of the council carrying out the consultation;

(c) (i) any owner of land proposed to be included in the scheme, except where the council has failed to ascertain their names and addresses after taking all reasonable steps to that end; or

(ii) any occupier of land proposed to be included in the scheme, except where the council has failed to ascertain the relevant address after taking all reasonable steps to that end; and

(d) the Department of Social Development where the land proposed to be included in the scheme is, or is proposed to be, included in a development scheme under Part VII of the Planning (Northern Ireland) Order 1991(**3**).

(2) The council must consider any representations made by the consultees before finally determining the content of the proposals.

(3) When the council begins the consultations mentioned in paragraph (1), it must at the same time notify the Department that it is proposing to make or alter a scheme and of the content of its proposals.

Title

4. A simplified planning zone scheme must be given a title which must give an indication of the area to which the scheme relates and each document contained in a simplified planning zone scheme must bear the title of the scheme.

Procedure after deposit of proposals

5. Where a council has prepared a proposed scheme, or proposed alterations to an existing scheme, it must—

(a) make copies available for inspection at the council's principal office and such other places within the council district as the council considers appropriate;

(b) give notice by advertisement in Form 1;

(c) serve a notice to the same effect on those persons consulted in accordance with regulation 3(1) and on any other persons whom it considers should be given notice; and

(d) publish the notice on its website for a period of at least eight weeks beginning with the date on which the notice given pursuant to paragraph (b) is first published in a local newspaper.

Objections and representations

6.—(1) Objections to a proposed scheme or to proposed alterations of an existing scheme and representations about such a scheme or alterations, must be made in writing and sent to the council in accordance with the details given in the notice by advertisement in Form 1 within a period of

(**2**) S.R. 2015 No.72
(**3**) S.I. 1991/1220 (N.I. 11)

eight weeks beginning with the date on which the notice given pursuant to regulation 5(b) is first published in a local newspaper.

(2) Representations complying with paragraph (1) which indicate that matters relating to those specified in section 33(4)(a), (b) and (c) of the 2011 Act are not included in the proposed scheme and ought to have been so included, must be treated for all purposes of Schedule 1 as objections made in accordance with these Regulations.

(3) The council must also consider all representations not falling within paragraph (2) which comply with paragraph (1) and have not been withdrawn.

Advertisement of the withdrawal of proposals

7. If a council decides not to proceed with a proposal to make or alter a scheme, it must give notice by advertisement in Form 2, and must also notify any person who has duly made and not withdrawn an objection or representation with respect to the proposal and any other person whom it considers should be notified.

Procedure for consideration of objections

8.—(1) Where the council decides to consider objections to its proposed scheme or to proposed alterations to an existing scheme, without causing an independent examination to be held, it must give notice to this effect to every person who has duly made, and has not withdrawn, an objection or representation.

(2) Where the council decides to cause an independent examination to be held to consider duly made objections to its proposed scheme or to proposed alterations to an existing scheme, the council must, at least eight weeks before it is due to open–

(a) give written notice of the independent examination's purpose and of the time and place at which it is to be held, and of the name of the approved person appointed to hold it or of the planning appeals commission, to every person who has duly made, and has not withdrawn, an objection or representation; and

(b) also give notice of the matters mentioned in sub-paragraph (a) by local advertisement.

(3) An independent examination for the purpose mentioned in paragraph (1) must be held in public.

Statement of decisions and reasons

9. Following an independent examination held for the purpose mentioned in regulation 8, the council must, after considering the report of the planning appeals commission or the approved person appointed to hold the independent examination prepare a statement of–

(a) the decisions it has reached in the light of the report and any recommendations as to the action to be taken (or not to be taken) contained in the report; and

(b) the reasons for those decisions.

Consideration of objections

10.—(1) Where objections to proposals to make or alter a scheme have been considered by an approved person appointed for that purpose pursuant to paragraph 4(1)(b) of Schedule 1, the council must, after considering the report, prepare a statement as mentioned in regulation 9.

(2) Where the council considers such objections, it must prepare a statement of the decisions it has reached with respect to every objection made and not withdrawn, and of its reasons for those decisions.

Proposed modifications and reasons

11.—(1) A copy of the report and of the statement of decisions and reasons mentioned in regulation 9 or 10(1) as the case may be, or a copy of the statement of decisions and reasons mentioned in regulation 10(2), as the case may be, must be made available by the council for inspection together with, where applicable, a list of proposed modifications and reasons as required by regulation 13(1)(a).

(2) In cases where the council intends to adopt proposals without material modifications it must make the documents specified in paragraph (1) available for inspection from the date on which notice by local advertisement in Form 3 is given pursuant to regulation 12 and at any place where the proposals were made available for inspection pursuant to regulation 5(a).

(3) In cases where the council intends to adopt proposals with material modifications it must make the documents specified in paragraph (1) available for inspection from the date on which and at the places at which the list of proposed modifications is made available for inspection pursuant to regulation 13(1).

Notice of intention to adopt without material modifications

12. Where after considering all objections and representations duly made and not withdrawn a council intends to adopt proposals to make or alter a scheme without material modifications, when it complies with regulation 11 it must at the same time—

(a) give notice by local advertisement in Form 3 that it intends to adopt its proposals; and

(b) serve a notice to the same effect on any person who has duly made and not withdrawn an objection or representation with respect to the proposals, and on any other person whom it considers should be notified.

Procedure for modification of proposals

13.—(1) Where after considering objections and representations with respect to its proposals, the council proposes to modify proposals to make or alter a scheme (whether to comply with a direction by the Department under paragraph 5(3) of Schedule 1 or otherwise), unless it is satisfied that the proposed modifications will not materially affect the content of the scheme or the alterations, the council must—

(a) prepare a list of the proposed modifications, which must include the council's reasons for proposing them;

(b) make copies of that list available for inspection at all places where the original proposals were made available pursuant to regulation 5(a);

(c) give notice by local advertisement in Form 4; and

(d) serve a notice to the same effect on any person who has duly made objections or representations with respect to the proposed scheme or alterations, and not withdrawn them, and on any other person whom the council considers should be notified.

(2) Objections or representations with respect to proposed modifications considered by the council (or, in a case to which regulation 17(1) applies, the Department) materially to affect the content of the scheme or alterations as previously proposed, must be made in writing and sent to the council in accordance with the details given in notice by local advertisement in Form 4 within a period of eight weeks beginning with the date on which the notice mentioned in paragraph (1)(c) is first published in a local newspaper.

(3) The council must consider all objections or representations with respect to proposed modifications, made in accordance with paragraph (2), which have not been withdrawn.

(4) The council must make a copy of every direction given by the Department under paragraph 5(3) of Schedule 1 available for inspection at the places mentioned in sub-paragraph (b) of paragraph (1), together with the list there mentioned (if any); and where there is such a list, the list must identify the modifications proposed in response to the direction, and, if they do not comply with the direction in any respect, must include a statement of the council's reasons for not proposing full compliance.

Modify a proposed scheme

14. Regulations 8 to 11 apply in relation to objections to proposals to modify a proposed scheme or proposed alterations of an existing scheme, as they apply in relation to objections to the proposed scheme or alterations.

Notice of intention to adopt

15. Proposals for a scheme or for the alteration of a scheme must not be adopted by a council until the period given by the council in its notice of intention to adopt in Form 1, or where the council has also given notice of its intention to adopt in Form 3 or Form 4, the period in the last such notice to be given by the council, has expired.

Notice of adoption of scheme or alterations

16.—(1) Where a council adopts proposals for the making or alteration of a scheme, it must give notice by advertisement in Form 5, and serve a notice to the same effect on any person who has asked the council to notify them.

(2) A copy of the notice mentioned in paragraph (1) and of the adopted scheme or alterations must be made available for inspection for at least eight weeks beginning with the date of first publication of the notice, at every place at which a copy of the proposed scheme or alterations was made available pursuant to regulation 5(a).

(3) Where the Department has given a direction to the council under paragraph 5(3) of Schedule 1 any notice of adoption of the proposals given pursuant to paragraph (1) must state that the council has satisfied the Department that the council has made the modifications necessary to conform with the direction from the Department to modify or that the direction has been withdrawn by the Department, as the case may be.

(4) A copy of any modification by the Department that it is satisfied with the modifications made or that the direction is withdrawn must be made available for inspection from the date on which and at the places at which the adopted proposals are made available for inspection pursuant to regulation 5(a).

Called-in proposals

17.—(1) The Department must send to the council a list of any modifications it may propose by virtue of paragraph 6 of Schedule 1 to a proposed scheme or alterations submitted for its approval by virtue of paragraph 6 of Schedule 1, unless the Department is satisfied that its proposed modifications will not materially affect the content of the council's proposals; and the council must comply with sub-paragraphs (a) and (d) of regulation 13(1) as if the council was proposing the modifications, except that the notice to be published by local advertisement must be in Form 6.

(2) Where under paragraph 7(4)(a) of Schedule 1 the Department causes an independent examination to be held for the purpose of considering objections to proposals submitted as mentioned in paragraph (1), or to modifications the Department proposes, and the views of the council and of such other persons as the Department thinks fit, it must give such notice and notification as is mentioned in regulation 8(2)(a) and (b), as appropriate.