STATUTORY RULES OF NORTHERN IRELAND

2015 No. 63

PLANNING

The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015

Made - - - - 16th February 2015

Coming into operation 1st April 2015

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 4(6) and 247(1) and (6) of the Planning Act (Northern Ireland) 2011(**1**):

Citation and commencement

1. These Regulations may be cited as the Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 and come into operation on 1st April 2015.

Interpretation

2.—(1) In these Regulations—

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

"council" means a district council;

"electronic communication" has the meaning assigned to it by section 4 of the Electronic Communications Act (Northern Ireland) 2001(**2**),

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

Electronic communication

3.—(1) Without prejudice to section 24(2) of the Interpretation Act (Northern Ireland) 1954(**3**), any notice or other document required to be served on or sent or given to any person under these Regulations may be served, sent or given, in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in paragraph (2), to that person at that address.

(2) The condition mentioned in paragraph (1) is that the notice or other document is—

(**1**) 2011 c.25 as amended by 2014 c.8 (N.I.)
(**2**) 2009 c.9 (N.I.) as amended by 2003 c.21 (N.I.)
(**3**) 1954 c.33

(a) capable of being accessed by the recipient,

(b) legible in all material respects, and

(c) in a form sufficiently permanent to be used for subsequent reference,

and for this purpose " legible in all material respects" means that the information contained in the notice or document is available to the recipient to no lesser extent that it would be if served or given by means of a notice or document in printed form.

(3) Where a person uses electronic communications to transmit any notice or other document for any purpose of these Regulations which is capable of being carried out electronically that person shall be taken to have agreed, except where a contrary intention appears, to the use of such communications and that his or her address for that purpose is the address incorporated into, or otherwise logically associated with the notice or document.

(4) Where a person is no longer willing to accept the use of electronic communications for any purpose of these Regulations which is capable of being carried out electronically, he or she must give notice in writing—

(a) withdrawing any address notified to the council or the Department for that purpose; or

(b) revoking any agreement entered into or deemed to have been entered into with the council or the Department for that purpose;

and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than 7 days after the date on which the notice is given.

Form and content of the statement of community involvement

4. The statement of community involvement must include within it the following matters—

(a) the principles of how the council will involve the community in exercising its local development plan functions under Part 2 of the 2011 Act;

(b) the timing of, and the method by which—

(i) participation will occur at each stage of the local development plan procedure, and

(ii) the council will respond to the participation process referred to in sub-paragraph (i);

(c) details of how the council will use those responses at each stage in developing the content of its local development plan; and

(d) the principles of how the council will involve the community in exercising its planning control functions under Part 3 of the 2011 Act.

Statement of community involvement consultation

5.—(1) Before preparing a statement of community involvement, a council must also consider whether it is appropriate to invite representations from persons who have an interest in development in its area.

(2) If a council decides that it is appropriate to invite representations under paragraph (1), it must make such arrangements for the purposes of inviting representations from such persons of the descriptions in paragraph (1) as it thinks appropriate.

(3) In preparing the statement of community involvement, the council must take into account any representations made to it in response to invitations under paragraph (1) or (2).

Agreement of the statement of community involvement

6.—(1) The statement of community involvement (prepared in accordance with regulation 4) must—