Changes to legislation: *The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 17 September 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2015 No. 62

PLANNING

The Planning (Local Development Plan) 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 7(5), 8(2), (3) and (5), 9(2), (3) and (6), 10(3), 11(1), 12(3), 13(1) and (3), 17(7) and (9), 21(2) and (3), 22, 247(1) and (6) of the Planning Act (Northern Ireland) 2011 [F1]:

F1 2011 c.25 (N.I.) as amended by 2014 c.8 (N.I.)

PART 1

General

Title and commencement

1. These Regulations may be cited as the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

Interpretation

2.—(1) In these Regulations—

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

"consultation bodies" means—

(a) Northern Ireland government departments,

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

(c) a water or sewerage undertaker,

(d) the Northern Ireland Housing Executive,

(e) the Civil Aviation Authority,

(f) any person to whom the electronic communications code applies by virtue of a direction given under section 106(3) of the Communications Act 2003 [F2],

(g) any person to whom a licence has been granted under Article 10(1) of the Electricity (Northern Ireland) Order 1992 [F3],

(h) any person to whom a licence has been granted under Article 8 of the Gas (Northern Ireland) Order 1996 [F4];

"council" means a district council;

"electronic communication" has the meaning assigned to it by section 4 of the Electronic Communications Act (Northern Ireland) 2001 [F5],

"inspection" means inspection by the public;

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

"person appointed" means a person appointed by the Department under section 10(4) to carry out an independent examination;

"preferred options paper" means a consultation document prepared by the council for the purpose of consulting the public before a local development plan is prepared;

"site specific policy" means a policy in a development plan document which identifies a site for a particular use or development;

"site specific policy representation" means any representation which seeks to change a development plan document by—

(a) adding a site specific policy to the development plan document; or

(b) altering or deleting any site specific policy in the development plan document;

"timetable" means a timetable prepared under section 7.

(2) In these Regulations any references to sections are references to sections of the 2011 Act unless otherwise stated.

F2 2003 c.21
F3 S.I. 1992/231 (N.I. 1)
F4 S.I. 1996/275 (N.I. 2) as amended by S.R. 2011/155, S.R. 2013/92
F5 2001 c.9 (N.I.) as amended by 2003 c.21

Scope of regulations

3. These Regulations apply to the revision of a local development plan as they apply to its preparation.

Use of electronic communication

4.—(1) Without prejudice to section 24(2) of the Interpretation Act (Northern Ireland) 1954 [F6], 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—

(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, the Department, the planning appeals commission or a person appointed for that purpose, or

(b) revoking any agreement entered into or deemed to have been entered into with the council, the Department, the planning appeals commission or a person appointed 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.

F6 1954 c.33

PART 2

Timetable

Preparation of the timetable

5. The council must, in the preparation of the timetable, consult the planning appeals commission and such of the consultation bodies as the council considers appropriate.

Content of the timetable

6.—(1) This paragraph applies where the council proposes to prepare a local development plan.

(2) The timetable must include indicative dates for—

(a) each stage of the preparation of the local development plan including indicative dates for—

(i) publication of the preferred options paper,

(ii) publication of the plan strategy and publication of the local policies plan, and

(iii) adoption of the plan strategy and adoption of the local policies plan; and

(b) the carrying out of the appraisal under sections 8(6)(a) and 9(7)(a) and the preparation of the report on the findings of the appraisal under sections 8(6)(b) and 9(7)(b).

Agreement of the timetable

7.—(1) The timetable must be—

(a) approved by resolution of the council prior to submission to the Department for its agreement, and

(b) submitted to the Department.

(2) The Department must respond within four weeks of receipt of the timetable, unless it has, before the expiry of that period, notified the council that it requires more time to consider the timetable.

(3) If, before the end of the period specified in paragraph (2), the Department has failed to respond to the receipt by it of the timetable, it will be deemed to be agreed at the end of that period.

(4) Subject to paragraph (3) until such time as the Department agrees the timetable the council must not, in the preparation of a local development plan, take any steps under regulation 10 to advertise its preferred options paper.

(5) Paragraphs (1) to (4) apply to the revision of a timetable as they apply to its preparation.

Availability of the timetable

8.—(1) Where a timetable is agreed or deemed to be agreed under regulation 7, the council must —

(a) make a copy of the agreed timetable available for inspection during normal office hours at—

(i) its principal offices, and

(ii) such other places within its district as it considers appropriate;

(b) give notice by local advertisement of the following—

(i) that the timetable is available for inspection,

(ii) the place and times at which it can be inspected; and

(c) publish the timetable on its website.

PART 3

Preferred options paper

Preparation of the preferred options paper

9.—(1) Before a council complies with regulation 11, it must, for the purpose of generating alternative strategies and options, engage the consultation bodies.

(2) In preparing the preferred options paper the council must take into account any representation received from the consultation bodies.

Availability of the preferred options paper

10. Before a council prepares a development plan document it must—

(a) make the following documents available for inspection during normal office hours at the places referred to in paragraph (b)—

(i) a copy of the preferred options paper,

(ii) such supporting documents as in the opinion of the council are relevant to that paper,

(iii) a document containing a statement indicating the period specified by the council under regulation 11(2) as the period within which representations on the preferred options paper may be made,

(iv) notice of the address to which representations are to be sent.

(b) the places referred to in paragraph (a) are—

(i) the council's principal offices, and

(ii) such other places within the council district as the council considers appropriate;

(c) send to the consultation bodies the information set out at paragraph (a);

(d) give notice by local advertisement of the following—

(i) the title of the local development plan,

(ii) a statement of the fact that the preferred options paper is available for inspection and the places and times at which it can be inspected,

(iii) a brief description of the content and purpose of the preferred options paper, and

(iv) details of how further information on the preferred options paper may be obtained; and

(e) publish on its website—

(i) the preferred options paper,

(ii) such supporting documents as in the opinion of the council are relevant to the preferred options paper, and

(iii) the document mentioned in paragraph (a)(iii) and notice mentioned in paragraph (a)(iv).

Public consultation on the preferred options paper

11.—(1) Any person may make representations about a council's preferred options paper.

(2) Any such representations must be—

(a) made within a period which the council specifies, and

(b) sent to the address specified pursuant to regulation 10(a)(iv).

(3) The period referred to in paragraph (2)(a) must be a period of not less than 8 weeks or more than 12 weeks starting on the day on which the council complies with regulation 10(a).

(4) A council must take account of any representations made in accordance with paragraph (2) before it prepares a development plan document.

PART 4

Form and content of development plan document

Form and content of a development plan document

12.—(1) A development plan document must contain—

(a) a title which must give the name of the council district for which the development plan document is prepared and indicate whether it is a plan strategy or a local policies plan, and

(b) a sub-title which must indicate the date of the adoption of the development plan document.

(2) A development plan document must contain a reasoned justification of the policies contained in it.

(3) Those parts of a development plan document which comprise the policies of the development plan document and those parts which comprise the reasoned justification required by paragraph (2) must be readily distinguishable.