1991 No. 119

PLANNING

Planning (Development Plans) Regulations (Northern Ireland) 1991

Made	*25th March 1991*
Coming into operation . .	*1st May 1991*

The Department of the Environment, in exercise of the powers conferred by Articles 2(2)(**a**), 5(3), (5) and (6), 6(4) and (5), 10 and 106(1) of the Planning (Northern Ireland) Order 1972(**b**) and now vested in it(**c**) and of all other powers enabling it in that behalf, makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Planning (Development Plans) Regulations (Northern Ireland) 1991 and shall come into operation on 1st May 1991.

Interpretation

2.—(1) In these regulations—

"the 1972 Order" means the Planning (Northern Ireland) Order 1972;

"development plan" means a development plan under Part III of the 1972 Order;

"local advertisement" means an advertisement in each of 2 successive weeks in at least 1 newspaper circulating in the area likely to be affected by a development plan, or as the case may be, by the alteration to or repeal or replacement of a development plan;

"written statement" means the written statement required by Article 4(2).

(2) References in these regulations to Articles 4, 5, 6 or 8 are references to Articles 4, 5, 6 or 8 of the 1972 Order.

Representations about proposals

3. Representations about proposals to make, alter, repeal or replace a development plan shall be made in writing within a period of 6 weeks

(a) *See* definition of "prescribed"
(b) S.I. 1972/1634 (N.I. 17) as amended by S.I. 1990/1510 (N.I. 14) Art. 3
(c) S.R. & O. (N.I.) 1973 No. 504 Art. 7(1); S.I. 1976/424 (N.I. 6) Art. 3(1)

beginning on such date as the Department shall specify when giving publicity to its proposals in accordance with Article 5(3) or, where the Department is proceeding under Article 6 as respects a proposed alteration, repeal or replacement, a period of 6 weeks beginning on the date on which the copies of the documents are first made available for inspection in accordance with Article 6(3).

Objections to the making, alteration, etc. of a development plan

4. Objections to a development plan, alteration, instrument of repeal or replacement plan shall be made in writing within a period of 6 weeks beginning with the date on which the copies of the documents are first made available for inspection in accordance with Article 5(4) or 6(3), as the case may be.

Area, local and subject plans

5.—(1) A development plan based on consideration of matters affecting the development or other use of land for the whole or a substantial part of the area comprising the district of one or more district councils may be called an area plan.

(2) A development plan based on consideration of matters affecting the development or other use of land for part of the area comprising the district of 1 or more district councils may be called a local plan.

(3) A development plan based on consideration of a particular description of development or other use of land in the area to which it relates may be called by the name of the subject to which it relates.

Reconciliation of contradictions in development plans

6. In the case of any contradiction between the written statement and any other document forming part of a development plan, the written statement shall prevail.

Reconciliation of contradictions between development plans

7. In the case of any contradictions between development plans for the same part of any area, the more recently adopted provisions shall prevail.

Maps

8. The map required by Article 4(2) to be included in a development plan shall be prepared on a map base reproduced from, or based on, the relevant ordnance map, to such scale as the Department thinks appropriate.

Additional matters to be contained in a development plan

9. In addition to the proposals for the development or other use of land in the area to which a development plan relates the written statement referred to in Article 4(2)(*a*) shall contain—

(*a*) particulars and proposals relating to such of the matters specified in Part I of the Schedule as the Department thinks appropriate; and

(*b*) such particulars as the Department thinks appropriate relating to the matters set out in Part II of the Schedule.

Publication of availability of documents for inspection, etc.

10. When as required by Articles 5(4) or 6(3) the Department makes available for inspection copies of a development plan, alteration, instrument of repeal or replacement plan it shall then publish in the Belfast Gazette and by local advertisement a notice stating—

(*a*) the area affected by the development plan or, as the case may be, by the alteration, repeal or replacement of the development plan;

(*b*) the general nature of the plan or alteration, repeal or replacement;

(*c*) the places and times at which and the period during which copies of the relevant documents may be inspected by the public;

(*d*) that any objections to the plan or alteration, repeal or replacement and in a case where the Department is acting pursuant to Article 6 any representations about the alteration, repeal or replacement, should be made in writing;

(*e*) the time within which such objections and representations must be made and the address to which they should be sent;

(*f*) that any person making an objection may ask to be notified of the Department's decision in writing at such address as he specifies.

Public local inquiries

11.—(1) Where the Department intends to hold a public local inquiry to consider objections to a development plan, or to the alteration, repeal or replacement of a development plan, it shall, at least 4 weeks before the inquiry is held—

(*a*) publish notice by local advertisement of the time and place at which the inquiry is to be held,

(*b*) serve a notice in the same terms as the notice referred to in sub-paragraph (*a*) on every person who has duly made objection (other than an objector who has withdrawn his objection or has indicated in writing that he does not wish to appear or be represented at the inquiry) and on such other person as it thinks fit.

(2) Copies of all objections to a development plan or to the alteration, repeal or replacement of a development plan which are to be considered at a public local inquiry shall be made available for inspection at such place as the Department may specify and notice of their availability for inspection shall be given in the notices given under paragraph (1).

Report of public local inquiry

12.—(1) Where a public local inquiry is held, the Department shall after considering the report of the planning appeals commission prepare a statement of—

(*a*) the decisions that it has reached in the light of the report and any recommendations contained in it; and

(*b*) the reasons for those decisions.

(2) A copy of the report and of the statement of decisions and reasons mentioned in paragraph (1) shall be made available by the Department for