

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 34(4).

#### SIMPLIFIED PLANNING ZONES

**1** Where a council decides under section 34 to make or alter a simplified planning zone scheme it must—

- (a) notify the Department of its decision as soon as practicable, and
- (b) determine the date on which the council will begin to prepare the scheme or the alterations.

#### Commencement Information

- I1** S. 34 (inducing provision for Sch. 1) in operation at 1.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/25](#), [art. 2](#)
- I2** Sch. 1 para. 1 in operation at 13.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/49](#), [art. 2](#), [Sch. 1](#) (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**2.**—(1) A council proposing to make or alter a simplified planning zone scheme must, before determining the content of its proposals, comply with this paragraph.

(2) The council must consult or notify such persons as regulations may require it to consult or, as the case may be, notify.

(3) The council must take such steps as may be prescribed or as the Department may, in a particular case, direct to publicise—

- (a) the fact that the council proposes to make or alter a simplified planning zone scheme, and
- (b) the matters which it is considering including in the proposals.

(4) The council must consider any representations that are made in accordance with regulations.

#### Commencement Information

- I3** S. 34 (inducing provision for Sch. 1) in operation at 1.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/25](#), [art. 2](#)
- I4** Sch. 1 para. 2 in operation at 13.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/49](#), [art. 2](#), [Sch. 1](#) (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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**3** Where a council has prepared a proposed simplified planning zone scheme, or proposed alterations to a simplified planning zone scheme, it must—

- (a) make copies of the proposed scheme or alterations available for inspection at such places as may be prescribed,
- (b) take such steps as may be prescribed for the purpose of advertising the fact that the proposed scheme or alterations are so available and the places at which, and times during which, they may be inspected,
- (c) take such steps as may be prescribed for inviting objections to be made within such period as may be prescribed, and
- (d) send a copy of the proposed scheme or alterations to the Department and such other persons as may be prescribed.

#### **Commencement Information**

- I5** S. 34 (inducing provision for Sch. 1) in operation at 1.2.2015 for specified purposes; 1.4.2015 otherwise) by [S.R. 2015/25](#), [arts. 2, 3](#)
- I6** Sch. 1 para. 3 in operation at 13.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/49](#), [arts. 2, 3](#), [Sch. 1](#) (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**4.—(1)** Where objections to the proposed scheme or alterations are made, the council may—

- (a) for the purpose of considering the objections, cause an independent examination to be carried out by—
  - (i) the planning appeals commission; or
  - (ii) a person appointed by the council and approved by the Department;or
- (b) require the objections to be considered by a person appointed by the council and approved by the Department.

**(2)** Regulations may—

- (a) make provision with respect to the appointment, and qualifications for appointment, of persons for the purposes of this paragraph;
- (b) include provision enabling the Department to direct a council to appoint a particular person, or one of a prescribed list or class of persons.

**(3)** Any person who makes objections to a proposed simplified planning zone scheme or proposed alterations to a simplified planning zone scheme must, if that person so requests, be given the opportunity to appear before and be heard by—

- (a) the planning appeals commission; or
- (b) the person appointed by the council and approved by the Department under sub-paragraph (1)(a)(ii).

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(4) A council must exercise the power under sub-paragraph (1), or head (a) or (b) of that sub-paragraph, if directed to do so by the Department.

**Commencement Information**

- I7** S. 34 (inducing provision for Sch. 1) in operation at 1.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/25](#), [arts. 2, 3](#)
- I8** Sch. 1 para. 4 in operation at 13.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/49](#), [arts. 2, 3](#), [Sch. 1](#) (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

5.—(1) After the expiry of the period for making objections or, if objections have been made in accordance with the regulations, after considering those objections and the views of the planning appeals commission or any other person holding an independent examination or considering those objections under paragraph 4, the council may by resolution adopt the proposals (subject to the following provisions of this paragraph and paragraph 6).

(2) The council may adopt the proposals as originally prepared or as modified so as to take account of—

- (a) any such objections as are mentioned in sub-paragraph (1) or any other objections to the proposals, or
- (b) any other considerations which appear to the council to be material.

(3) If, before the proposals have been adopted by the council, it appears to the Department that they are unsatisfactory, the Department may direct the council to modify the proposals in such respects as are indicated in the direction.

(4) A council to which such a direction is given shall not adopt the proposals unless—

- (a) it satisfies the Department that it has made the modifications necessary to conform with the direction; or
- (b) the direction is withdrawn.

**Commencement Information**

- I9** S. 34 (inducing provision for Sch. 1) in operation at 1.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/25](#), [arts. 2, 3](#)
- I10** Sch. 1 para. 5 in operation at 13.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/49](#), [arts. 2, 3](#), [Sch. 1](#) (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

6.—(1) Before the proposals have been adopted by the council the Department may direct that they must be submitted to the Department for its approval.

(2) If the Department gives such a direction—

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- (a) the council must not take any further steps for the adoption of the proposals, and in particular must not hold or proceed with an independent examination or any consideration of objections in respect of the proposals under paragraph 4; and
- (b) the proposals shall not have effect unless approved by the Department and shall not require adoption by the council.

#### Commencement Information

- I11** S. 34 (including provision for Sch. 1) in operation at 1.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/25](#), [arts. 2, 3](#)
- I12** Sch. 1 para. 6 in operation at 13.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/49](#), [arts. 2, 3](#), [Sch. 1](#) (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

7.—(1) The Department may, after considering proposals submitted to it under paragraph 6, either approve them, in whole or in part and with or without modifications, or reject them.

(2) In considering the proposals the Department may take into account any matters it thinks are relevant, whether or not they were taken into account in the proposals as submitted to it.

(3) Where on taking the proposals into consideration the Department does not determine then to reject them it shall, before determining whether or not to approve them, consider any objections made in accordance with regulations (and not withdrawn) except objections which—

- (a) have already been considered by the council or a person appointed by the council; or
- (b) have already been considered in the course of an independent examination carried out under paragraph 4.

(4) The Department may, for the purpose of considering any objections and the views of the council and of such other persons as it thinks fit—

- (a) cause an independent examination to be carried out by the planning appeals commission or such other person appointed by the Department; or
- (b) require such objections and views to be considered by a person appointed by the Department.

(5) In considering the proposals the Department may consult with, or consider the views of, any council or any other person; but the Department need not do so, or give an opportunity for the making or consideration of representations or objections, except so far as it is required to do so by sub-paragraph (3).

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### Commencement Information

- I13** S. 34 (inducing provision for Sch. 1) in operation at 1.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/25](#), [arts. 2, 3](#)
- I14** Sch. 1 para. 7 in operation at 13.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/49](#), [arts. 2, 3](#), [Sch. 1](#) (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**8.—(1)** Without prejudice to the previous provisions of this Schedule, the Department may make regulations with respect—

- (a) to the form and content of simplified planning zone schemes, and
- (b) to the procedure to be followed in connection with their preparation, withdrawal, adoption, submission, approval, making or alteration.

(2) Any such regulations may in particular—

- (a) provide for the notice to be given of, or the publicity to be given to—
  - (i) matters included or proposed to be included in a simplified planning zone scheme, and
  - (ii) the adoption or approval of such a scheme, or of any alteration of it, or any other prescribed procedural step,
 and for publicity to be given to the procedure to be followed in these respects;
- (b) make provision with respect to the making and consideration of representations as to matters to be included in, or objections to, any such scheme or proposals for its alteration;
- (c) make provision with respect to the circumstances in which representations with respect to the matters to be included in such a scheme or proposals for its alteration are to be treated, for the purposes of this Schedule, as being objections made in accordance with regulations;
- (d) without prejudice to head (a), provide for notice to be given to particular persons of the adoption or approval of a simplified planning zone scheme, or an alteration to such a scheme, if they have objected to the proposals and have notified the council of their wish to receive notice, subject (if the regulations so provide) to the payment of a reasonable charge;
- (e) provide for notice to be given to the Department and such other persons as may be prescribed of the council's decision to hold or not to hold an independent examination in accordance with paragraph 4;
- (f) require or authorise a council to consult with, or consider the views of, other persons before taking any prescribed procedural step;
- (g) require a council, in such cases as may be prescribed or in such particular cases as the Department may direct, to provide persons making a request

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with copies of any document which has been made public, subject (if the regulations so provide) to the payment of a reasonable charge;

- (h) provide for the publication and inspection of a simplified planning zone scheme which has been adopted or approved, or any document adopted or approved altering such a scheme, and for copies of any such scheme or document to be made available on sale.

(3) Subject to the previous provisions of this Schedule and to any regulations under this paragraph, the Department may give directions to any council or to councils generally—

- (a) for formulating the procedure for the carrying out of their functions under this Schedule;
- (b) for requiring them to give the Department such information as the Department may require for carrying out any of its functions under this Schedule.

#### **Commencement Information**

- I15** S. 34 (inducing provision for Sch. 1) in operation at 1.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/25](#), [arts. 2, 3](#)
- I16** Sch. 1 para. 8 in operation at 13.2.2015 for specified purposes; 1.4.2015 otherwise by [S.R. 2015/49](#), [arts. 2, 3](#), [Sch. 1](#) (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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