

2004 No. 438

PLANNING

**Planning (Development Plans) (Amendment) Regulations
(Northern Ireland) 2004**

Made - - - - - *13th October 2004*

Coming into operation *17th November 2004*

The Department of the Environment in exercise of the powers conferred by Articles 5(6), 10 and 129(1) of the Planning (Northern Ireland) Order 1991(a) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Planning (Development Plans) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 17th November 2004.

Amendment of the Planning (Development Plans) Regulations (Northern Ireland) 1991

2.—(1) In regulation 4 of the Planning (Development Plans) Regulations (Northern Ireland) 1991(b) (Objections to the making, alteration, etc. of a development plan) for the words “6 weeks” substitute “8 weeks”.

(2) After regulation 4 insert –

“Representations about objections

4A.—(1) Following receipt of objections to a development plan in accordance with Articles 5(5) or 6(4) the Department shall 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) that objections have been received to the development plan, alteration, instrument of repeal or replacement plan;
- (d) the places and times at which and the period during which copies of the objections may be inspected by the public;
- (e) that any representations about 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;
- (f) the time within which representations about 1 or more of those objections must be made and the address to which they should be sent;

(a) S.I. 1991/1220 (N.I. 11) to which there are amendments not relevant to these Regulations. Art 2(2) contains definitions of “the Department” and “prescribed”
(b) S.R. 1991 No. 119 as amended by S.R. 1994 No. 394

- (g) that any person making a representation about 1 or more of those objections may ask to be notified of the Department's decision in writing at such address as he specifies.
- (2) Persons wishing to make representations to the Department in accordance with paragraph (1) shall do so in writing within a period of 8 weeks beginning with the date on which copies of the objections are first made available for inspection at any place by the public."
- (3) (a) In paragraph (1) of regulation 11 (Public local inquiries) after the words "to consider objections" insert "and representations about objections".
(b) In paragraph (1)(b) of regulation 11, where it twice occurs, after the word "objection" insert "or representation about objection" and after the word "objector" insert the words "or person making representation".
(c) In paragraph (2) of regulation 11 after the words "Copies of all objections" insert "and representations about objections".
- (4) In paragraph 2 of regulation 13 (Modifications) after the word "Regulations" insert "4A,".

Sealed with the Official Seal of the Department of the Environment on 13th October 2004.

(L.S.)

Marianne Fleming
A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Planning (Development Plans) Regulations (Northern Ireland) 1991.

Regulation 4 of those Regulations is amended to extend the period within which objections to a development plan, alteration, instrument of repeal or replacement plan shall be made from 6 weeks to 8 weeks.

A new regulation 4A is inserted to provide for the public notification of objections and inviting inspection of and written representations about those objections. It also specifies that the time period for receipt of such representations shall be within 8 weeks of the Department first making copies of those objections available at any place to the public.

Regulation 11 is amended to provide for the consideration of both objections and representations on objections to a development plan at a public local inquiry.

Regulation 13 is amended to apply regulation 4A to modifications to a development plan, alteration, repeal or replacement plan.

© Crown Copyright 2004

£3.00

Published by The Stationery Office Limited

ISBN 0-337-95703-7



9 780337 957031