
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 62

**The Planning (Local Development Plan)
Regulations (Northern Ireland) 2015**

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⁽¹⁾,
- (g) any person to whom a licence has been granted under Article 10(1) of the Electricity (Northern Ireland) Order 1992⁽²⁾,
- (h) any person to whom a licence has been granted under Article 8 of the Gas (Northern Ireland) Order 1996⁽³⁾;

“council” means a district council;

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

“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;

(1) 2003 c.21

(2) S.I. 1992/231 (N.I. 1)

(3) S.I. 1996/275 (N.I. 2) as amended by S.R. 2011/155, S.R. 2013/92

(4) 2001 c.9 (N.I.) as amended by 2003 c.21

“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.

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(5), 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.

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.

Proposals map

- 13.—(1) A development plan document must contain a map or maps, (to be known as “the proposals map”), describing the policies and proposals set out in the development plan document so far as practicable to illustrate such policies or proposals spatially.
- (2) The proposals map is to be sufficiently detailed so as to enable the location of proposals for the development and use of land to be identified.
- (3) In the case of any contradiction between the written statement and any other document forming part of a local development plan, the written statement shall prevail.

Additional matters to be taken into account

- 14.—(1) The other matters that the council must take into account in preparing a local development plan are—
- (a) the objectives of preventing major accidents and limiting the consequence of such accidents,
 - (b) the need—
 - (i) in the long term to maintain appropriate distances between establishments covered by the Directive and residential areas, buildings and areas of public use, major transport routes as far as possible, recreational areas and areas of particular natural sensitivity or interest, and

- (ii) in the case of existing establishments, for additional technical measures in accordance with Article 5 of the Directive so as not to increase the risks to people.
- (2) In this regulation—
 - (a) the Directive means Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances, and
 - (b) expressions used in paragraph (1) and in the Directive have the same meaning in that paragraph as in the Directive.

PART 5

Development plan document procedure

Availability of a development plan document

15. Before submitting a development plan document to the Department under section 10 the council 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 development plan document,
 - (ii) a copy of the sustainability appraisal report under section 8(6)(b) or 9(7)(b), as the case may be,
 - (iii) such supporting documents as in the opinion of the council are relevant to the preparation of the local development plan,
 - (iv) a document containing a statement indicating the period within which representations on the development plan document may be made, and
 - (v) notice of the address to which representations can 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 a copy of the documents set out in paragraph (a);
- (d) give notice in the Belfast Gazette and by local advertisement of the following—
 - (i) the title of the development plan document, and
 - (ii) a statement of the fact that the development plan document is available for inspection and the places and times at which it can be inspected; and
- (e) publish on its website—
 - (i) the development plan document,
 - (ii) such of the supporting documents as in the opinion of the council are relevant, and
 - (iii) the notice mentioned in paragraph (a)(iv).

Public consultation on a development plan document

- 16.**—(1) Any person may make representations about a development plan document.
- (2) Any such representations must be—

- (a) made within a period of 8 weeks starting on the day the council complies with regulation 15(d), and
- (b) sent to the address specified pursuant to regulation 15(a)(v).

Availability of representations on a development plan document

17.—(1) As soon as reasonably practicable after the expiry of the period referred to in regulation 16(2)(a) the council must—

- (a) make the following documents available for inspection at the places referred to in paragraph (b)—
 - (i) a copy of the representations,
 - (ii) a document containing a statement indicating the time within which counter representations may be made, and
 - (iii) notice of the address to which counter representations can be sent;
- (b) the places referred to in paragraph (a) are—
 - (i) the council’s principal offices,
 - (ii) such other places within the district of the council as the council considers appropriate;
- (c) publish the representations on its website;
- (d) give notice in the Belfast Gazette and by local advertisement of the fact that representations are available for inspection and the places and times at which they can be inspected;
- (e) notify the consultation bodies of the fact that representations are available for inspection and the places and times at which they can be inspected; and
- (f) notify any person who has made (and not withdrawn) a representation in accordance with regulation 16(2) of those matters.

(2) A council need not comply with paragraph (1) if the representation is made after the period specified in regulation 16.

Public consultation on site specific policy representations

18.—(1) Any person may make representations about a site specific policy representation (in regulations 17, 19 and this regulation referred to as “counter representations”).

- (2) Counter representations must be—
 - (a) made within a period of 8 weeks starting on the day the council complies with regulation 17(1)(a), and
 - (b) sent to the address specified in regulation 17(1)(a)(iii).
- (3) Counter representations must not propose any changes to the development plan document.

Availability of representations on site specific policy representations

19.—(1) As soon as reasonably practicable after the expiry of the period referred to in regulation 18(2)(a) the council must—

- (a) make a copy of the counter representations available for inspection during normal office hours at—
 - (i) its principal offices, and
 - (ii) such other places within the district of the council as the council considers appropriate; and

(b) publish this information on its website.

(2) The council need not comply with paragraph (1) if the counter representation is made after the period specified in regulation 18(2)(a).

Submission of documents for independent examination

20.—(1) Before a council submits a development plan document to the Department under section 10, it must consider representations made under regulation 16 and, as the case may be, regulation 18.

(2) The documents prescribed for the purposes of section 10(3) are—

- (a) the report under section 8(6)(b) or, as the case may be, section 9(7)(b),
 - (b) the statement of community involvement,
 - (c) evidence that the council has complied with its statement of community involvement,
 - (d) copies of the notices referred to in regulation 10(a)(iv), 15(a)(iv), and 17(1)(a)(iii),
 - (e) the timetable,
 - (f) a statement setting out—
 - (i) a summary of the main issues raised in representations made in accordance with regulation 11(2), and
 - (ii) how those main issues have been taken into account in the preparation of the development plan document;
 - (g) a statement setting out—
 - (i) if representations were made in accordance with regulation 16(2) or 18(2), the number of representations made and a summary of the main issues raised in those representations, or
 - (ii) that no such representations were made;
 - (h) copies of any representations made in accordance with regulation 16(2) or 18(2), and
 - (i) such supporting documents as in the opinion of the council are relevant to the preparation of the development plan document.
- (3) The council must also send to the Department—
- (a) where the development plan document is a plan strategy, a copy of that plan strategy, or
 - (b) where the development plan document is a local policies plan—
 - (i) a copy of that local policies plan, and
 - (ii) a copy of the adopted plan strategy.

Availability of submission documents

21. As soon as reasonably practicable after a council submits a development plan document to the Department it must—

- (a) make the following documents available for inspection at the places referred to in paragraph (b) —
 - (i) a copy of the development plan document,
 - (ii) the documents specified in regulation 20(2), and
 - (iii) such other documents as in the opinion of the council are relevant to the preparation of the development plan document;
- (b) the places referred to in paragraph (a) are—

- (i) the council's principal offices, and
- (ii) such other places in the district of the council as the council considers appropriate;
- (c) notify the consultation bodies of the fact that the development plan document and the documents mentioned in paragraph (a) are available for inspection and the places and times at which they can be inspected;
- (d) notify any person who has made (and not withdrawn) a representation in accordance with regulation 16(2) or 18(2) of those matters;
- (e) give notice in the Belfast Gazette and by local advertisement of the fact that the development plan document has been submitted to the Department; and
- (f) publish the notice mentioned in paragraph (e) on its website.

Publicity of the independent examination

22.—(1) At least four weeks before the opening of an independent examination caused to be carried out under section 10(4), the council must—

- (a) notify the consultation bodies of the matters referred to in paragraph (2),
 - (b) give notice in the Belfast Gazette and by local advertisement of those matters,
 - (c) publish those matters on its website, and
 - (d) notify any person who has made (and not withdrawn) a representation in accordance with regulation 16(2) or 18(2) of those matters.
- (2) The matters referred to in paragraph (1) are—
- (a) the time and place at which the examination is to be held, and
 - (b) whether the planning appeals commission or the person appointed will carry out the independent examination and if the latter, the identity of that person.
- (3) Before the planning appeals commission or, as the case may be, the person appointed complies with section 10(8) that person must consider any representations made in accordance with regulation 16(2) and, if relevant regulation 18(2).

Withdrawal of a development plan document

23. Where a development plan document is withdrawn under section 11 or pursuant to a direction under section 12(1)(c), a council must as soon as reasonably practicable do the following—

- (a) give notice in the Belfast Gazette and by local advertisement that the development plan document has been withdrawn and the reason for its withdrawal;
- (b) publish a statement of that fact on its website;
- (c) notify the consultation bodies of that fact;
- (d) notify any person who has made a representation in accordance with regulation 16(2) and, if relevant, regulation 18(2) of that fact; and
- (e) remove any material or documents made available or published under regulation 8, 10, 15, 17, 19 or 21.

Adoption of a development plan document

24.—(1) The planning appeals commission or, as the case may be, the person appointed must send the recommendations and reasons for the recommendations to the Department.

(2) The council must adopt the development plan document as soon as reasonably practicable after the receipt of the Department's direction under section 12(1)(a) or (b).

- (3) On the date on which the council adopts the development plan document it must —
- (a) make available the following documents for inspection during normal office hours at the places referred to in paragraph (b) —
 - (i) the development plan document,
 - (ii) a statement prepared by the council specifying the date on which the development plan document was adopted,
 - (iii) the report under section 8(6)(b) or as the case may be section 9(7)(b),
 - (iv) the recommendations of the planning appeals commission or, as the case may be, the person appointed and the reasons for those recommendations, and
 - (v) the Department’s direction under section 12(1)(a) or (b);
 - (b) the places referred to in paragraph (a) are—
 - (i) the council’s principal offices, and
 - (ii) such other places within the district of the council as the council considers appropriate;
 - (c) publish the documents and statements mentioned in paragraph (a) on its website;
 - (d) give notice in the Belfast Gazette and by local advertisement of—
 - (i) the statement prepared by the council specifying the date on which the development plan document was adopted,
 - (ii) the fact that the development plan document is available for inspection and the places and times at which it can be inspected;
 - (e) send to the Department a copy of each of the documents referred to in sub-paragraph (a); and
 - (f) notify any person who has asked to be notified of the adoption of the development plan document.

PART 6

Annual monitoring report and review of a local development plan

Annual monitoring report

- 25.—**(1) The annual monitoring report must be—
- (a) for the period of twelve months commencing on 1st April in each year and ending on 31st March in the following year, and
 - (b) the time prescribed for the purposes of section 21(3)(a) is six months after the end of the period in respect of which the report is made or at any other time that may be agreed with the Department.
- (2) The annual monitoring report must specify—
- (a) the housing land supply at the beginning and end of the period specified in paragraph (1),
 - (b) the number of net additional housing units built in the council’s district for—
 - (i) the period specified in paragraph (1), and
 - (ii) the period since the local policies plan was first adopted or approved;
 - (c) the supply of land for economic development purposes in the council’s district, and

- (d) such other issues as appear to the council to be relevant to the implementation of the local development plan.
- (3) Where a policy specified in a local development plan is not being implemented, the annual monitoring report must identify that policy and include a statement of—
 - (a) the reasons why that policy is not being implemented,
 - (b) the steps (if any) that the council intend to take to secure the implementation of it, and
 - (c) whether the council intend to prepare a revision of the local development plan to replace or amend the policy.
- (4) In this regulation and regulation 27 “annual monitoring report” means the annual report under section 21.

Review of a local development plan

- 26.**—(1) A council must carry out a review of its local development plan every five years and no later than five years from the date that the local policies plan was first adopted or approved.
- (2) The council must send to the Department a report on the findings of the review.

Availability of annual monitoring report and review

- 27.** As soon as reasonably practicable after a council complies with regulation 25 or 26 it must do the following—
- (a) make available for inspection a copy of the annual monitoring report or, as the case may be, the report on the findings of the review 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 that the annual monitoring report or, as the case may be, the report on the findings of the review is available for inspection and the places and times at which it can be inspected; and
 - (c) publish the annual monitoring report or, as the case may be, the report on the findings of the review on its website.

PART 7

Intervention by the Department

Intervention by the Department

- 28.**—(1) This regulation applies if the Department gives a direction under section 15(1).
- (2) The Department must—
- (a) give notice by local advertisement that it has given a direction under section 15(1), and
 - (b) publish the direction on its website.
- (3) The council must—
- (a) make the direction available for inspection during normal office hours at—
 - (i) its principal offices, and
 - (ii) such other places within its district as it considers appropriate; and
 - (b) publish the direction on its website.

Department's default power

29.—(1) Where the Department intends to prepare or revise a development plan document under section 16 it must—

- (a) give notice by local advertisement of its intention to do so, and
 - (b) publish a statement of that fact on its website.
- (2) Such provisions of—
- (a) Part 2 of the 2011 Act, and
 - (b) these Regulations;

as are relevant to the preparation or revision of the development plan document apply, subject to the necessary modifications, to the Department as they apply to a council.

PART 8

Joint plans

Joint plans: corresponding plan strategy or corresponding local policies plan

30.—(1) In relation to an agreement mentioned in section 17(1), the period prescribed for the purposes of section 17(7) is three months starting on the day on which any council which is a party to the agreement withdraws from it.

(2) A corresponding plan strategy or corresponding local policies plan for the purposes of section 17(5) is a plan strategy or local policies plan which—

- (a) does not relate to any part of the district of the council that has withdrawn from the agreement, and
- (b) with respect to the districts of the councils which prepared it, and has not withdrawn from the agreement, has substantially the same effect as the original joint plan.

(3) In paragraph (2)(b), “original joint plan” means a joint plan strategy or a joint local policies plan prepared pursuant to the agreement mentioned in paragraph (1).

Power of the Department to direct councils to prepare joint plans

31.—(1) This regulation applies if the Department gives a direction under section 18(1).

(2) The Department must—

- (a) give notice by local advertisement that it has given such a direction under section 18(1), and
- (b) publish the direction on its website.

(3) The council must—

- (a) make the direction available for inspection during normal office hours at—
 - (i) its principal offices, and
 - (ii) such other places within its district as it considers appropriate, and
- (b) publish the direction on its website.

PART 9

Transitional arrangements

Transitional arrangements

32.—(1) The transitional arrangements set out in the Schedule shall have effect.

Sealed with the Official Seal of the Department of the Environment on 16th February 2015



Angus Kerr
A senior officer of the
Department of the Environment