

STATUTORY INSTRUMENTS

1991 No. 1220

The Planning (Northern Ireland) Order 1991

PART III

DEVELOPMENT PLANS

Modifications etc. (not altering text)

- C1** Pt. III: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

Development plans

4.—(1) The Department may at any time make a development plan for any area or alter, repeal or replace a development plan adopted by it for any area.

[^{F1}(1A) A development plan for an area must be^{F2} in general conformity with] the regional development strategy.]

(2) A development plan for an area shall consist of—

- (a) a map and a written statement formulating, in such detail as the Department thinks appropriate, proposals for the development or other use of land in the area to which the plan relates; and
- (b) such diagrams, illustrations and descriptive matter as the Department thinks appropriate to explain or illustrate the proposals in the plan.

^{F3}(3) Where a development plan has not been adopted for an area, any provision of this Order which requires or authorises regard to be had to the development plan shall have effect in relation to that area as if any reference to the development plan were omitted.

F1 [1999 NI 4](#)

F2 [2003 NI 8](#)

F3 prosp. insertion by [2003 NI 8](#)

Publicity and consultation

5.—(1) Where the Department proposes to make, alter, repeal or replace a development plan for an area, it shall proceed in accordance with this Article, unless Article 6 (which provides a short procedure for certain alterations, etc.) applies.

(2) The Department shall consult with the district council for the area or any part of the area to which the plan or proposed plan relates.

(3) The Department shall take such steps as will in its opinion secure—

Status: This version of this part contains provisions that are prospective.

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- (a) that adequate publicity is given, in the area to which the plan or proposed plan relates, to the Department's proposals or to the issues involved;
 - (b) that persons who may be expected to wish to make representations to the Department about those proposals or issues are made aware that they are entitled to do so;
 - (c) that such persons are given an adequate opportunity of making such representations,
- and the Department shall consider any representations made to it within the prescribed period.
- (4) The Department shall then prepare the relevant documents, that is, the plan, alterations, instrument of repeal or replacement plan, as the case may be, and shall make copies of the documents available for inspection at such places as the Department considers appropriate.
- (5) Each copy of the documents made available for inspection shall be accompanied by a statement of the prescribed period within which objections may be made to the Department.
- (6) The Department shall then take such steps as may be prescribed for the purpose of advertising—
- (a) the fact that the documents are available for inspection;
 - (b) the places and times at which, and period during which, they may be inspected; and
 - (c) the prescribed period within which objections may be made to the Department.

Publicity and consultation—short procedure for certain alterations, etc.

6.—(1) Where the Department proposes to alter, repeal or replace a development plan for an area and it appears to the Department that the issues involved are not of sufficient importance to warrant the full procedure set out in Article 5, the Department may proceed instead in accordance with this Article.

(2) The Department shall consult with the district council for the area or any part of the area to which the plan relates.

(3) The Department shall prepare the relevant documents, that is, the alteration, instrument of repeal or replacement plan, as the case may be, and shall make copies of the documents available for inspection at such place as the Department considers appropriate.

(4) Each copy of the documents made available for inspection shall be accompanied by a statement of the prescribed period within which representations or objections may be made to the Department.

- (5) The Department shall then take such steps as may be prescribed for the purpose of—
- (a) advertising the fact that the documents are available for inspection and the places and times at which, and period during which, they may be inspected; and
 - (b) inviting the making of representations or objections in accordance with regulations,
- and shall consider any representations or objections made to it within the prescribed period.

[^{F4}Independent examination

7.—(1) The Department may cause an independent examination to be carried out by the planning appeals commission for the purpose of considering objections to a development plan or to the alteration, repeal or replacement of a development plan.

(2) Any person who makes objections to a development plan or to the alteration, repeal or replacement of a development plan shall, if he so requests, be given the opportunity to appear before and be heard by the planning appeals commission.]

F4 Art. 7 substituted (17.10.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(3)(a), **5(1)**; S.R. 2006/381, **art. 2**

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Adoption by Department

8.—(1) After the expiry of the period afforded for making objections to a development plan or to the alteration, repeal or replacement of a development plan or, if such objections have been duly made within that period, after considering the objections so made, and, where [^{F5}an independent examination] is held, the report of the planning appeals commission, the Department may by order adopt the plan, alteration, repeal or replacement in whole or in part (whether with or without modifications) or reject it.

(2) A development plan or any alteration, repeal or replacement of a development plan shall become operative on a date appointed for the purpose in the order under paragraph (1) adopting the plan or the alteration, repeal or replacement.

F5 Words in art. 8(1) substituted (17.10.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(3)(a), **5(2)**; S.R. 2006/381, **art. 2**

Incorporation in development plans of certain orders and schemes

9.—(1) Any development plan for an area which includes land to which an order or scheme listed in paragraph (2) relates shall have effect as if the provisions of the order or scheme were included in the plan.

(2) The orders and schemes mentioned in paragraph (1) are—

- (a) an order under section 1 of the New Towns Act (Northern Ireland) 1965;
- (b) an order under Article [^{F6} 14 or 15] of the Roads (Northern Ireland) Order [^{F6} 1993];
- (c) a redevelopment scheme approved under Article 49 of the Housing (Northern Ireland) Order 1981;
- (d) an enterprise zone scheme;
- (e) a simplified planning zone scheme; and
- (f) a development scheme adopted under Article 86.

F6 [1993 NI 15](#)

Regulations as to development plans

10. Without prejudice to Articles 4 to 9, the Department may make regulations with respect to—

- (a) the form and content of development plans; and
- (b) the procedure to be followed in connection with the making, alteration, repeal and replacement of development plans.

PROSPECTIVE

[^{F7}Sustainable development

10A.—(1) Where the Department or the planning appeals commission exercises any function under Article 3(1) or this Part, the Department or, as the case may be, the commission shall exercise that function with the objective of contributing to the achievement of sustainable development.

(2) For the purposes of paragraph (1) the Department and the commission shall have regard to policies and guidance issued by—

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- (a) the Department;
- (b) the Department for Regional Development.]

F7 Art. 10A inserted (prosp.) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(3)(a), **6**

Status:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 1(1A)(1B) inserted by [S.I. 2006/1252 \(N.I.\) art. 8\(2\)](#)
- art. 4(2A) inserted by [S.I. 2006/1252 \(N.I.\) art. 4\(1\)](#)
- art. 11(2A) inserted by [S.I. 2006/1252 \(N.I.\) art. 7](#)
- art. 20(2A)(2B) inserted by [S.I. 2006/1252 \(N.I.\) art. 8\(1\)](#)
- art. 124(1)(o) added by [S.I. 2006/1252 \(N.I.\) art. 27\(3\)](#)