
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.