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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 62**

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

**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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Planning (Local Development Plan) Regulations (Northern Ireland) 2015, PART 5.