



2011 CHAPTER 25

PART 2

LOCAL DEVELOPMENT PLANS

Local development plans

Local development plan

6.—(1) Any reference—

- (a) to a local development plan in this Act and in any other statutory provision relating to planning; and
- (b) to a development plan in any statutory provision relating to planning,

is to be construed as a reference to the development plan documents (taken together) which have been adopted by the council or approved by the Department in accordance with section 16(6).

(2) In this Part the development plan documents are—

- (a) the plan strategy;
- (b) the local policies plan.

(3) If to any extent a policy contained in a local development plan conflicts with another policy in that plan the conflict must be resolved in favour of the policy which is contained in the last development plan document to be adopted or, as the case may be, approved.

(4) Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Preparation of timetable

7.—(1) A council must prepare, and keep under review a timetable for the preparation and adoption of the council's local development plan.

(2) The council and the Department must attempt to agree the terms of the timetable mentioned in subsection (1).

(3) But to the extent that the Department and the council cannot agree the terms the Department may direct that the timetable must be in the terms specified in the direction.

(4) The council must comply with the direction.

(5) The Department may prescribe—

- (a) the procedure in respect of the preparation of the timetable mentioned in subsection (1);
- (b) the form and content of the timetable;
- (c) the time at which any step in the preparation of the timetable must be taken;
- (d) publicity about the timetable;
- (e) making the timetable available for inspection by the public;
- (f) circumstances in which the requirements of the timetable need not be complied with.

Plan strategy

8.—(1) A council must prepare a plan for its district (to be known as a plan strategy).

(2) A plan strategy must set out—

- (a) the council's objectives in relation to the development and use of land in its district;
- (b) its strategic policies for the implementation of those objectives; and
- (c) such other matters as may be prescribed.

(3) Regulations under this section may prescribe the form and content of the plan strategy.

(4) A plan strategy must be prepared in accordance with—

- (a) the timetable set out in section 7(1);
- (b) the council's statement of community involvement.

(5) In preparing a plan strategy, the council must take account of—

- (a) the regional development strategy;
- (b) any policy or advice contained in guidance issued by the Department;
- (c) such other matters as the Department may prescribe or, in a particular case, direct,

and may have regard to such other information and considerations as appear to the council to be relevant.

- (6) The council must also—
 - (a) carry out an appraisal of the sustainability of the plan strategy;
 - (b) prepare a report of the findings of the appraisal.
- (7) A plan strategy is a plan strategy only if it is—
 - (a) adopted by resolution of the council; or
 - (b) approved by the Department in accordance with section 16(6).

Local policies plan

9.—(1) A council must, after the plan strategy for its district has been adopted by resolution of the council or, as the case may be, approved by the Department, prepare a plan for its district (to be known as a local policies plan).

- (2) The local policies plan must set out—
 - (a) the council's policies in relation to the development and use of land in its district; and
 - (b) such other matters as may be prescribed.
- (3) Regulations under this section may prescribe the form and content of the local policies plan.
- (4) The local policies plan must be prepared in accordance with—
 - (a) the timetable set out in section 7(1);
 - (b) the council's statement of community involvement.
- (5) The council's local policies plan must be consistent with the council's plan strategy.
- (6) In preparing the local policies plan, the council must take account of—
 - (a) the regional development strategy;
 - (b) any policy or advice contained in guidance issued by the Department;
 - (c) such other matters as the Department may prescribe or, in a particular case, direct,

and may have regard to such other information and considerations as appear to the council to be relevant.

- (7) The council must also—
 - (a) carry out an appraisal of the sustainability of the local policies plan;
 - (b) prepare a report of the findings of the appraisal.
- (8) A local policies plan is a local policies plan only if it is—
 - (a) adopted by resolution of the council; or

- (b) approved by the Department in accordance with section 16(6).

Independent examination

10.—(1) The council must submit every development plan document to the Department for independent examination.

- (2) But the council must not submit such a document unless—

- (a) it has complied with any relevant requirements contained in regulations under this Part, and

- (b) it thinks the document is ready for independent examination.

(3) The council must also send to the Department (in addition to the development plan document) such other documents (or copies of documents) and such information as is prescribed.

(4) The Department must, unless it intends to make a direction under section 11(2) or 15(1), cause an independent examination to be carried out by—

- (a) the planning appeals commission; or

- (b) a person appointed by the Department.

(5) The Department must not appoint a person under subsection (4)(b) unless, having regard to the timetable prepared by the council under section 7(1), the Department considers it expedient to do so.

(6) The purpose of an independent examination is to determine in respect of the development plan document—

- (a) whether it satisfies the requirements of sections 7 and 8 or, as the case may be, sections 7 and 9, and any regulations under section 22 relating to the preparation of development plan documents;

- (b) whether it is sound.

(7) Any person who makes representations seeking to change a development plan document must (if that person so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.

- (8) The person appointed to carry out the examination must—

- (a) make recommendations;

- (b) give reasons for the recommendations.

Withdrawal of development plan documents

11.—(1) A council may, in such manner as may be prescribed, at any time before a development plan document is submitted to the Department under section 10(1), withdraw the document.

(2) The Department may, at any time after the development plan document has been submitted to it under section 10(1), direct the council to withdraw the document.

Adoption

12.—(1) The Department must consider the recommendations made under section 10(8) and direct the council to—

- (a) adopt the development plan document as originally prepared;
- (b) adopt the development plan document with such modifications as may be specified in the direction; or
- (c) withdraw the development plan document.

(2) The Department must give reasons for a direction given under subsection (1).

(3) The council must comply with a direction given under subsection (1) within such time as may be prescribed.

(4) For the purposes of this section, a development plan document is adopted by resolution of the council.

Review of local development plan

13.—(1) A council must carry out a review of its local development plan at such times as the Department may prescribe.

(2) The council must report to the Department on the findings of its review.

(3) A review must—

- (a) be in such form as may be prescribed; and
- (b) be published in accordance with such requirements as may be prescribed.

Revision of plan strategy or local policies plan

14.—(1) The council may at any time prepare a revision of—

- (a) its plan strategy; or
- (b) its local policies plan.

(2) The council must prepare a revision of its plan strategy or its local policies plan—

- (a) at such times and in such manner as may be prescribed;
- (b) if, following a review under section 13, it thinks that the plan strategy or the local policies plan should be revised;
- (c) if the Department directs the council to do so.

(3) This Part applies to the revision of a plan strategy or a local policies plan as it applies to the preparation of a plan strategy or, as the case may be, a local policies plan.

Intervention by Department

15.—(1) If the Department thinks that a development plan document is unsatisfactory it may, at any time before the document is adopted under section 12 direct the council to modify the document in accordance with the direction.

(2) If the Department gives a direction under subsection (1) it must state its reasons for doing so.

(3) The council must comply with a direction given under subsection (1).

Department's default powers

16.—(1) This section applies if the Department thinks that a council is failing or omitting to do anything it is necessary for it to do in connection with the preparation or revision of a development plan document.

(2) The Department may—

- (a) prepare the document; or
- (b) revise the document.

(3) The Department must give reasons for anything it does in pursuance of subsection (2).

(4) The Department must cause an independent examination to be carried out by—

- (a) the planning appeals commission; or
- (b) a person appointed by the Department,

and section 10(5) to (8) applies accordingly.

(5) The Department must publish the recommendations and reasons of the person appointed to hold the examination.

(6) The Department must consider recommendations made in accordance with section 10(8) (as applied by subsection (4) of this section) and may approve the document with or without modification.

(7) The council must reimburse the Department for any expenditure the Department incurs in connection with anything—

- (a) which is done by it under subsection (2), and
- (b) which the council failed or omitted to do as mentioned in subsection (1).

Joint plans

17.—(1) Two or more councils may agree to prepare—

- (a) a joint plan strategy; or
- (b) a joint plan strategy and joint local policies plan.

(2) This Part applies for the purposes of any step which may be or is required to be taken in relation to a joint plan strategy or a joint local policies plan as it applies for the purposes of any step which may be or is required to be taken in relation to a plan strategy or local policies plan.

(3) For the purposes of subsection (2) anything which must be done by or in relation to a council in connection with a plan strategy or a local policies plan must be done by or in relation to each of the councils mentioned in subsection (1) in connection with a joint plan strategy or local policies plan.

(4) Subsections (5) to (7) apply if a council withdraws from an agreement mentioned in subsection (1).

(5) Any step taken in relation to the joint plan strategy or joint local policies plan must be treated as a step taken by—

- (a) a council which was a party to the agreement for the purposes of any corresponding plan strategy or corresponding local policies plan prepared by it;
- (b) two or more other councils who were parties to the agreement for the purposes of any corresponding joint plan strategy or corresponding joint local policies plan.

(6) Any independent examination of a plan strategy or a local policies plan to which the agreement relates must be suspended.

(7) If before the end of the period prescribed for the purposes of this subsection a council which was a party to the agreement requests the Department in writing to do so the Department may direct that—

- (a) the examination is resumed in relation to the corresponding plan strategy or corresponding local policies plan;
- (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.

(8) In this section and in section 18—

- (a) a joint plan strategy is a plan strategy prepared jointly by two or more councils;
- (b) a joint local policies plan is a local policies plan prepared jointly by two or more councils.

(9) The Department may by regulations make provision as to what is—

- (a) a corresponding plan strategy;

- (b) a corresponding local policies plan.

Power of Department to direct councils to prepare joint plans

18.—(1) The Department may direct two or more councils to prepare—

- (a) a joint plan strategy; or
- (b) a joint plan strategy and joint local policies plan.

(2) A direction given by the Department under subsection (1) may relate to the whole or part of the councils' districts.

(3) A council must comply with a direction given by the Department under subsection (1).

Exclusion of certain representations

19.—(1) This section applies to any representation or objection in respect of anything which is done or is proposed to be done in pursuance of—

- (a) an order, or proposed order, under section 1 of the New Towns Act (Northern Ireland) 1965 (c. 13);
- (b) a redevelopment scheme prepared and submitted under Article 48 of the Housing (Northern Ireland) Order 1981 (NI 3);
- (c) the preparation of, or adoption of, a development scheme under Part 7 of the Planning (Northern Ireland) Order 1991 (NI 11);
- (d) an order under Article 14 or 15 of the Roads (Northern Ireland) Order 1993 (NI 15);
- (e) a simplified planning zone scheme;
- (f) an enterprise zone scheme.

(2) If a council, or a person appointed by the Department to carry out an independent examination under this Part, or the planning appeals commission thinks that a representation made in relation to a development plan document is in substance a representation or objection to which this section applies, the council, person or commission (as the case may be) may disregard it.

Guidance

20. In the exercise of any function conferred under or by virtue of this Part, the council must have regard to any guidance issued by—

- (a) the Department;
- (b) the Department for Regional Development;
- (c) the Office of the First Minister and deputy First Minister.

Annual monitoring report

21.—(1) Every council must make an annual report to the Department.

(2) The annual report must contain such information as is prescribed as to the extent to which the objectives set out in the local development plan are being achieved.

(3) The annual report must—

- (a) be made at such time as may be prescribed;
- (b) be in such form as may be prescribed;
- (c) contain such other matter as may be prescribed.

Regulations

22.—(1) The Department may by regulations make provision in connection with the exercise by any person of functions under this Part.

(2) The regulations may in particular make provision as to—

- (a) the procedure to be followed by the council in carrying out an appraisal under section 8(6) or 9(7);
- (b) the procedure to be followed in the preparation of development plan documents;
- (c) requirements about the giving of notice and publicity;
- (d) requirements about inspection by the public of a development plan document or any other document;
- (e) the nature and extent of consultation with and participation by the public in anything done under this Part;
- (f) the making of representations about any matter to be included in a development plan document;
- (g) consideration of any such representations;
- (h) the determination of the time at which anything must be done for the purposes of this Part;
- (i) the manner of publication of any draft, report or other document published under this Part;
- (j) monitoring the exercise by councils of their functions under this Part.