



## 2011 CHAPTER 25

### **Part 2**

#### Local development plans

##### *Local development plans*

#### **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.

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*Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 16. (See end of Document for details)*

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(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).

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**Commencement Information**

- I1** S. 16 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49, art. 2, Sch. 1](#)
- I2** S. 16 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49, art. 3, Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159, art. 2](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 16.