

Procedure.

THE PLANNING SCHEMES (PROCEDURE) REGULATIONS (NORTHERN IRELAND), 1931, DATED 18TH DAY OF NOVEMBER, 1931, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 44 OF THE PLANNING AND HOUSING ACT (NORTHERN IRELAND), 1931 (21 & 22 GEO. 5, C. 12).

1931. No. 126.

The Ministry of Home Affairs in exercise of the powers vested in it by Section 44 of the Planning and Housing Act (Northern Ireland), 1931, hereby makes the following Regulations :—

Title and Interpretation.

1. These Regulations may be cited as the Planning Schemes (Procedure) Regulations (Northern Ireland), 1931.

2.—(1) In these Regulations, unless the context otherwise requires :—

“ The Ministry ” means the Ministry of Home Affairs ;

“ Interested Local Authority ” means any Local Authority or other public body (including the council of any rural district) interested in the land proposed to be included in the scheme or the whole or any part of whose area is proposed to be included in the scheme ;

“ Map ” means a map on a scale of not less than 25 inches to the mile or such smaller scale as the Minister may in any particular case approve, and includes a plan or a series of maps or plans ;

“ Owners ” has the same meaning as in the Lands Clauses Acts, but does not include persons holding or entitled to the rents and profits of land or premises under any lease or agreement the unexpired portion whereof is less than three years ;

“ Prescribed person ” means :—

- (a) any owner of land included or proposed to be included in a planning scheme ;
- (b) any interested Local Authority ;
- (c) the Ministry of Finance, where a planning scheme includes any land situate within the prescribed distance from the Hillsborough Estate or the Stormont Estate ;
- (d) the Ministry of Commerce, where a planning scheme provides for the inclusion of any land on which any railways, tramways, or light railways are constructed or are authorised to be constructed.

“ Advertisement ” means an advertisement published at least once during each of two successive weeks in a newspaper or newspapers circulating in the area of the Local Authority.

(2) The Interpretation Act, 1889, (a) as applied to Northern Ireland by the Interpretation Act, 1921, (b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Resolution to Prepare Planning Scheme.

3.—(1) The resolution of a Local Authority deciding to prepare or adopt a planning scheme shall define the area of the proposed scheme by reference to a map (hereinafter called "Map No. 1") showing by means of boundary lines defined in colour or otherwise the area of the land to which the resolution applies.

(2) The Local Authority shall as soon as may be after passing the resolution give notice thereof by advertisement and shall include in the notice a statement that Map No. 1 or a copy thereof will be open for inspection at a specified place or places, and that any suggestions for the inclusion or exclusion of any lands in or from the area of the proposed scheme may be sent in writing to the Local Authority within a specified period not being less than twenty-one days from the date of the first advertisement.

(3) A certified copy of the resolution and of Map No. 1 and of each advertisement shall be sent as soon as may be by the Local Authority to the Ministry, together with the documents and full particulars of the matters specified in the First Schedule to these Regulations.

(4) A certified copy of the resolution shall be sent to any interested Local Authority, and, if they so require, of Map No. 1, or a map on a scale of 6 inches to the mile certified to show accurately the area of the land to which the resolution applies.

(5) Where the authorisation of the Ministry is required to the making of a planning scheme, the Local Authority shall, as soon as may be after the date of such authorisation, give notice by advertisement that the Ministry has authorised the making of a planning scheme.

(6) The date of the notice of a resolution of a Local Authority to prepare or adopt a planning scheme, or the date of a notice that the Ministry has authorised a planning scheme to be made, shall be deemed to be the date of the first advertisement of such resolution or authorisation issued by the Local Authority in pursuance of this Article.

Preliminary Statement of Proposals for Development or Re-development.

4.—(1) Within a period of six months from the date of a resolution deciding to prepare or adopt a planning scheme, the Local Authority shall prepare and adopt by resolution a preliminary statement of proposals for development or re-develop-

(a) 5-23 V. c. 63.

(b) 12 Geo. 5, c. 4 [N.I.].

ment (hereinafter called "the preliminary statement"), and shall for that purpose take into consideration any representations in writing made by persons interested or by any interested Local Authority with respect to the area of the proposed scheme or otherwise with respect to the development or re-development of the area.

(2) The preliminary statement shall contain particulars of the matters specified in the Second Schedule to these Regulations and shall refer to a map (hereinafter called "Map No. 2") showing by means of boundary lines defined in colour or otherwise the area to be included and illustrating, so far as possible, the said particulars.

5.—(1) The Local Authority shall, before adopting a preliminary statement by resolution, give notice of their intention so to do by advertisement and shall take such other steps as they may think fit by means of public posters or otherwise to bring their intention to the notice of persons interested.

(2) The said notice or other public announcement shall include a statement that a draft of the preliminary statement proposed to be adopted and a map illustrating the particulars in the draft preliminary statement will be open for inspection at a specified place or places, and that any objections or representations with regard to the draft statement may be sent in writing to the Local Authority within a specified period not being less than twenty-one days from the date of the first advertisement.

(3) The Local Authority shall send to any interested Local Authority the draft of the preliminary statement, and, if so required by them, a map of so much of the land as is situate in the area of that Authority, illustrating the particulars in the draft statement so far as it relates to that land.

(4) The Local Authority shall take into consideration any objections and representations in writing which they may receive within the period specified under paragraph (2) of this Article, and shall take such steps as they may think necessary by means of conferences or otherwise to secure so far as may be possible the agreement and co-operation of persons interested.

6.—(1) As soon as may be after the passing of a resolution adopting a preliminary statement the Local Authority shall send to the Ministry a certified copy of—

- (a) the resolution, the preliminary statement and Map No. 2;
- (b) each advertisement or other public announcement;
- (c) any objections or representations in writing received by the Local Authority which have not been removed or met in the preliminary statement adopted;
- (d) particulars of the matters specified in the Third Schedule to these Regulations.

(2) Where any land to which the resolution deciding to prepare a planning scheme applied is not included in the land to which the preliminary statement relates, the Local Authority shall notify the fact thereof to the owner of such land.

7.—(1) The Ministry shall thereupon take the preliminary statement into consideration and shall notify the Local Authority that the statement has been approved or disapproved, as the case may be, or that it has been approved with modifications, provided that any such approval shall be without prejudice to any provisions of the planning scheme to be submitted by the Local Authority to the Ministry as hereinafter mentioned or to the approval or disapproval by the Ministry of that scheme.

(2) Where the Ministry notifies the Local Authority that the preliminary statement has been disapproved, the Local Authority shall, within three months from the date of such notification, prepare and adopt by resolution another preliminary statement, and the provisions of this and the two preceding Articles shall, with the necessary modifications, apply to such further statement.

8. The Local Authority shall as soon as may be after the receipt of a notification from the Ministry approving the preliminary statement with or without modifications give notice thereof by advertisement, and shall include in the notice a statement that a print of the preliminary statement and Map No. 2, as approved by the Ministry, will be open for inspection at a specified place or places, and that the Local Authority propose to proceed forthwith with the preparation of the planning scheme for submission in due course to the Ministry.

Preparation of Planning Scheme.

9.—(1) A draft of the planning scheme (hereinafter called "the draft scheme") shall be adopted by resolution of the Local Authority not later than twelve months after the date of the approval by the Ministry of the preliminary statement.

(2) The draft scheme shall refer to a map (hereinafter called "Map No. 3") showing by means of boundary lines defined in colour or otherwise the area included in the scheme, and illustrating such particulars and details in relation thereto as can conveniently be indicated by reference letters, numbers, distinguishing colours or otherwise, and more particularly the matters specified in the Fourth Schedule to these Regulations.

10.—(1) The Local Authority by whom a resolution has been passed adopting a draft scheme shall forthwith give notice thereof by advertisement and shall include in the notice a statement that a print of the draft scheme and Map No. 3, or a certified copy thereof, will be open for inspection at a specified place or places, and that any interested Local Authority or other person desiring to object or make representations with respect to the

draft scheme or any part thereof may send the representations or objections in writing to the Local Authority within a specified period not being less than four weeks from the date of the first advertisement.

(2) The Local Authority shall as soon as may be after the passing of the resolution adopting the draft scheme, in addition to the publication of the said advertisement, serve a notice in the same terms on the prescribed persons.

(3) A certified copy of the resolution and of each advertisement together with a certified copy of the draft scheme and of Map No. 3, shall be sent forthwith by the Local Authority to the Ministry.

11. The Local Authority shall take into consideration all objections and representations in writing received by them within the period specified under paragraph (1) of Article 10, and shall give full opportunity to any interested Local Authority and to persons making such objections or representations, including persons representing architectural or archaeological societies or otherwise interested in the amenities of the scheme, to be heard in such manner as the circumstances and the justice of the case may require.

Submission of Planning Scheme to Ministry.

12.—(1) The Local Authority shall within six months from the date of the resolution adopting the draft scheme pass a resolution finally approving the scheme with or without modifications and directing that the scheme as approved by them and the map to which the said scheme refers (hereinafter called "Map No. 4") shall be sealed with the seal of the Local Authority and submitted to the Ministry for approval :

Provided that if the map required by this Article to be sealed is identical in all respects with the Map No. 3 prepared in accordance with Article 10 hereof, the last-mentioned Map, if the Local Authority think fit, may with the consent of the Ministry be used for the purposes of this Article, but if so used it shall be marked as Map No. 4 in addition to being marked as Map No. 3.

(2) The Local Authority shall as soon as may be thereafter submit a sealed duplicate of the scheme and of Map No. 4 to the Ministry for approval, together with the documents and information specified in the Fifth Schedule to these Regulations, and shall send to the Ministry copies of all objections and representations in writing received by them which have not been removed or met in the scheme.

(3) A print of the scheme shall be sent by the Local Authority to every interested Local Authority.

13.—(1) A Local Authority who have submitted a scheme to the Ministry for approval shall forthwith give notice thereof by advertisement, and shall include in the notice a statement that a print of the scheme submitted and Map No. 4, or a certified copy thereof, will be open for inspection at a specified place or places, and that any objections or representations relating thereto shall be sent in writing to the Ministry within a period of not less than twenty-one days from the date of the first advertisement.

(2) A certified copy of each advertisement shall be sent to the Ministry as soon as may be after the publication thereof.

14.(1) If any objection has been made to the Scheme and not withdrawn, the Ministry shall, before taking the scheme into consideration, cause a public local inquiry to be held at which any Local Authority or persons interested in or affected by the scheme may be heard, and shall cause a report of such inquiry to be made to it.

(2) The Ministry shall, after duly considering the scheme and the said report, notify the Local Authority of its intention to approve or disapprove the scheme, as the case may be, or to approve it with modifications.

(3) Where the Ministry notifies the Local Authority that the scheme has been disapproved, the Local Authority shall, within six months from the date of such notification, prepare and adopt by resolution another scheme, and the provisions of Articles 9 to 13 inclusive and of this Article shall, with the necessary modifications, apply to such further scheme.

15.—(1) The Local Authority shall, on receipt of a notification from the Ministry approving a scheme with or without modifications, forthwith give notice thereof by advertisement and shall include in the notice a statement that a print of the scheme in the form in which the Ministry has notified its intention to approve it may be inspected at a specified place or places.

(2) The Local Authority shall in addition to the publication by advertisement as aforesaid serve a notice upon the owners of the land included in the scheme and upon any interested Local Authority to the like effect, but including also a statement that any owner or interested Local Authority desiring to object to the approval of the scheme by the Ministry may within twenty-one days from the date of the service of the notice send any objections or representations in writing with the grounds thereof to the Ministry.

(3) The Local Authority shall send to the Ministry certified copies of the said notice and of each advertisement.

Approval of Scheme by Ministry.

16.—(1) The Ministry shall take into consideration any objections or representations so received by it and shall thereafter by Order finally approve the scheme with or without modifications and shall notify the Local Authority accordingly.

(2) The Local Authority shall, on receipt of the Order of the Ministry approving the scheme, forthwith give notice by advertisement in the form set out in the Sixth Schedule to these Regulations and shall serve a like notice upon the prescribed persons and upon any other person who, having given notice to the Ministry of his objection to the scheme, appeared at a public local inquiry in support of his objection.

(3) A certified copy of each advertisement shall be sent by the Local Authority to the Ministry.

Supplemental.

17. A Local Authority may, if they think fit, adopt by resolution a draft scheme within the period prescribed by these Regulations for the adoption by resolution of a preliminary statement, and in that case the draft scheme shall, if the Ministry so directs, be substituted for the preliminary statement, and these Regulations shall apply accordingly with such modifications as, in the circumstances of the case, the Ministry may direct.

18.—(1) The Ministry may if it think fit in any particular case, and subject to such conditions as may be imposed extend the period during which anything is required to be done under these Regulations, or dispense with any of the requirements of these Regulations, other than requirements made obligatory by any Statute, provided that it is satisfied that there is reasonable cause for such extension or dispensation and that the interests of any person will not be prejudiced thereby.

(2) The Local Authority may, if they think fit and subject to such conditions as they may impose, extend the time during which any suggestions, objections, or representations in writing may be sent to the Authority under the provisions of Articles 3, 5 and 10 of these Regulations.

19. A Local Authority shall furnish the Ministry with all such further information or particulars as the Ministry may from time to time require.

20. All maps, documents and notices deposited for inspection under these Regulations shall be available for inspection at all reasonable hours and without payment of any fee.

21. A notice required to be served in pursuance of these Regulations shall be served :—

- (a) by delivery of the same personally to the person required to be served, or, if such person is absent abroad or cannot be found, to his agent ; or
- (b) by leaving the same at the usual or last known place of abode of such person as aforesaid ; or
- (c) by post addressed to the usual or last known place of abode of such person ; or
- (d) in the case of a notice required to be served on a Local Authority or corporate body or company, by delivering the same to the clerk or secretary or leaving the same at his office with some person employed there, or by post addressed to such clerk or secretary at his office :

Provided that if the owner of any land is not known to and after reasonable inquiry cannot be found by the Local Authority, than the notice may be served by leaving it, addressed to the owner, with some occupier of the land, or, if there be not an occupier, then by causing it to be put up on some part of the land or in some conspicuous place in the immediate neighbourhood thereof.

Provided also that an accidental omission to serve a notice required under these Regulations shall not render any proceedings thereunder invalid.

First Schedule.

Article 3.

DOCUMENTS AND PARTICULARS TO BE SENT TO THE MINISTRY OF HOME AFFAIRS AFTER THE PASSING OF A RESOLUTION DECIDING TO PREPARE A PLANNING SCHEME.

- (1) Documents required under Article 3 (3) of these Regulations.
- (2) Copies of all suggestions received by the Local Authority under Article 3.
- (3) Information, in the form required by the Ministry, as to the responsible authority under the scheme ; the acreage and general character and development of the area ; and the inclusion of any Crown Land.

Second Schedule.

Article 4.

PARTICULARS TO BE INCLUDED IN THE PRELIMINARY STATEMENT OF PROPOSALS FOR DEVELOPMENT OR RE-DEVELOPMENT.

- (1) Area to be included in the planning scheme (to be defined by the inner edge of a boundary line shown on Map No. 2).*
- (2) (a) The principal new streets or roads which it is proposed shall be made as part of the scheme, with their position, and any proposed widenings of any existing streets or roads.

* The following particulars are also to be shown on Map No. 2 :—

- (a) Existing main roads ;
- (b) Roads in charge of Local Authorities ;
- (c) Roads or footways over which the public have a right of way ;
- (d) Land already built upon within the area of the scheme or in the immediate neighbourhood thereof, distinguishing factories ;
- (e) Railways, tramways or light railways constructed or authorised to be constructed within the area of the scheme or in the immediate neighbourhood thereof.

(b) Building lines or spaces about buildings proposed to be prescribed in relation to the principal new streets or widenings.

(c) Buildings or other works which it is proposed to remove, pull down, or alter.

(3) Roads, streets, or ways which it is proposed to stop up or divert, and any restrictions proposed of the number of subsidiary roads, leading off main roads.

(4) Restrictions proposed, and the areas to which the several restrictions are to apply, as regards—

(a) character and user of buildings to be erected, and the user of existing buildings (e.g., whether dwelling-houses, public buildings, business premises, factories or workshops for light industries, or factories or workshops for heavy industries, or partly one class of building and partly another);

(b) density of buildings (that is, number of dwelling-houses to the acre, and proportion of site to be covered by buildings);

(c) height of buildings;

(d) standard of net annual value of buildings.

The proposed restrictions and the areas to which they are to apply (as well as open spaces or other areas not to be built upon: *see* next clause) should be shown by distinctive colours or hatchings on Map No. 2.

(5) Areas proposed to be reserved for open spaces or other areas not to be built upon.

Third Schedule.

MATTERS WHEREOF PARTICULARS ARE TO BE SENT TO THE MINISTRY IN CONNECTION WITH AN APPLICATION FOR APPROVAL OF A PRELIMINARY STATEMENT.

Article 6.

(1) Documents required under Article 6 (1) (a), (b) and (c) of these Regulations.

(2) Particulars, in the form required by the Ministry, respecting lands in the possession of Local Authorities, housing schemes, and ancient monuments in the area.

Fourth Schedule.

MATTERS WHEREOF PARTICULARS AND DETAILS ARE TO BE SHOWN ON MAP NO. 3.

Article 9.

(1) The area included in the draft scheme (to be defined by the inner edge of a boundary line shown on the map).

(2) (a) New streets, and widenings of any existing streets or roads, proposed to be made as part of the scheme.

(b) Building lines or spaces about buildings proposed to be prescribed.

(c) Buildings or other works which it is proposed to remove, pull down, or alter.

(3) Particulars required under paragraphs (3), (4) and (5) of the Second Schedule. As regards areas not to be built upon, the purposes for which they are to be reserved should be indicated.

Fifth Schedule.

DOCUMENTS AND PARTICULARS TO BE SENT TO THE MINISTRY IN CONNECTION WITH THE SUBMISSION OF A PLANNING SCHEME FOR APPROVAL.

Article 12.

(1) Documents required under Article 12 (2) of these Regulations.

(2) Six prints of the scheme and a certified copy of the resolution directing that the scheme be submitted to the Ministry for approval.

(3) A map on a scale of not less than 25 inches to the mile (to be marked and known as "Map No. 5") showing the area of the land included in the scheme so divided as to indicate as nearly as may be the portions of the land belonging to different owners, and showing as regards each parcel of land by reference to a list of owners the name of the owner thereof.

(4) A list of all local Acts, provisional orders, bye-laws or regulations in force in the area of any Local Authority any part of whose district is included in the scheme, and copies of those which contain any provisions affecting the scheme, with references thereto.

(5) Particulars, in the form required by the Ministry, of proposed acquisition of land by Local Authorities under the scheme; of works to be executed; of buildings or other works which it is proposed to remove, pull down or alter; of any enactments or other provisions which it is proposed to suspend, with the reasons for the proposals; of the estimated cost of carrying out the scheme; and of the acreage, population, net annual value, rateable value, etc., of the districts concerned.

Sixth Schedule.

FORM OF ADVERTISEMENT OF PLANNING SCHEME APPROVED BY THE MINISTRY.

Article 16.

The Planning and Housing Act (Northern Ireland), 1931.

(1).....Scheme.

Notice is hereby given that the Ministry of Home Affairs, in pursuance of the powers vested in it by the Planning and Housing Act (Northern Ireland), 1931, on the....., approved (with modifications) (2) (subject to conditions) a planning scheme submitted to it by the (3).....entitled the (1).....Scheme.

Copies of the above-mentioned scheme and of the map and plans referred to therein have been deposited at.....and may be seen at all reasonable hours.

The scheme will become operative at the expiration of six weeks from the date of this advertisement, but if proceedings in the Supreme Court are instituted within that period by an aggrieved person who is desirous of questioning the validity of the scheme the Court may, if satisfied that the scheme is not within the powers of the Act, or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the scheme either generally or in so far as it affects any property of the applicant.

Dated this.....day of.....19.....

Signature of Clerk of Local Authority.

Directions for filling up this form.

- (1) Here insert short title of scheme.
- (2) Delete words not required.
- (3) Description of local authority.

Given under the Official Seal of the Ministry of Home Affairs this 18th day of November, in the year One thousand nine hundred and thirty-one.

(L.S.)

D. L. Clarke,
Assistant Secretary..