1973. No. 265 **[C]**

TOWN AND COUNTRY PLANNING

Planning (Development Plan) Regulations

REGULATIONS, DATED 1ST AUGUST 1973, MADE BY THE MINISTRY OF DEVELOPMENT IN EXERCISE OF THE POWERS CONFERRED UPON IT BY ARTICLES 5, 10 AND 106 OF THE PLANNING (NORTHERN IRELAND) ORDER 1972.

The Ministry of Development, on behalf of the Secretary of State, and in exercise of the powers conferred upon it by Articles 5, 10 and 106 of the Planning (Northern Ireland) Order 1972(a) hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Planning (Development Plan) Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Interpretation

2. In these regulations—

"the 1972 Order" means the Planning (Northern Ireland) Order 1972;

"development plan" in relation to any area means a development plan prepared under Part III of the 1972 Order;

"document" includes a map, diagram, illustration or other descriptive matter in any form, and also includes where appropriate a copy of a document;

"notice by advertisement" means a notice published in each of two successive weeks in at least one newspaper circulating in the locality in which the land to which the notice relates is situated;

"written statement" means the written statement required by Article 4(2) of the 1972 Order.

Prescribed period for making representations

3. The prescribed period for the purposes of Article 5 of the 1972 Order shall be such period (not being less than one month) as shall be specified by the Ministry when giving publicity thereunder to the matters proposed to be included in a development plan.

Consultation

4. Before finally determining the content of a development plan, the Ministry shall consult the appropriate district council with respect to the matters which it proposes to include in the plan.

Area, local and subject plans

5.—(1) A development plan based on consideration of matters affecting the development and other use of land for the whole or a substantial part of the area of one or more district councils shall be called an area plan.

(a) S.I. 1972, No. 1634 (N.I. 17).

(2) A development plan based on consideration of matters affecting the development and other use of land for part of the area of one or more district councils shall be called a local plan.

(3) A development plan based on consideration of a particular description of development or other use of land in the area to which it relates shall be called by the name of the subject to which it relates.

Matters to be contained in written statement

6. In addition to the proposals for the development and other use of land in the area to which the plan relates a written statement shall contain the following matters, namely—

(*a*) proposals relating to such of the matters specified in Part I of the Schedule as the Ministry may think appropriate; and

(*b*) such indications as the Ministry may think appropriate of the items set out in Part II of the Schedule.

Maps, insets and diagrams

7. The map comprised in a development plan in compliance with Article 4(2) of the 1972 Order shall be called the proposals map and shall be prepared on a map base reproduced from, or based on, the Ordnance Survey map, to such scale as the Ministry may think appropriate.

Notice of preparation of development plan

8. Where the Ministry has prepared a development plan, it shall give notice by advertisement stating where copies of the plan have been deposited for inspection and the time within which any objections may be lodged.

Notice of public local inquiry

9. Where the Ministry causes a public local inquiry to be held for the purpose of considering objections to a development plan, it shall, at least one month before the date of the inquiry, give notice by advertisement, and shall serve a notice in the same terms on any person who has objected to the plan and whose objection has not been withdrawn and on such other persons as it thinks fit.

Report of public local inquiry

10.—(1) Where, for the purpose of considering objections made to a development plan, a public local inquiry is held, the Ministry shall, as part of the consideration of those objections, consider the report of the Planning Appeals Commission; and the Ministry shall prepare a statement of its decisions, giving its reasons therefor.

(2) The Ministry shall make copies of the report, and of the statement prepared under paragraph (1) available for inspection not later than the date on which notice is first given under regulation 12.

Modifications

11.—(1) Where the Ministry proposes to modify a development plan, it shall if it considers it expedient to do so having regard to the nature and importance of the proposed modifications—

(*a*) prepare a list of the proposed modifications, giving its reasons for proposing them;

(*b*) give notice by advertisement stating where copies of the list of proposed modifications have been deposited for inspection and the time within which any objections may be lodged and shall serve a notice in the same terms on any person who has objected to the plan and whose objection has not been withdrawn and on such other persons as it thinks fit;

(*c*) consider any objections duly made to the proposed modifications;

(*d*) decide whether or not to cause a further public local inquiry to be held for the purpose of considering any objections so made which are not withdrawn; and

(*e*) if a public local inquiry is held, afford to any person who has objected to the proposed modifications and whose objection has not been withdrawn and to such other persons as it thinks fit, an opportunity of appearing and being heard at the said inquiry.

(2) Regulations 9 and 10 shall apply in relation to proposed modifications as they apply in relation to a development plan.

Notice of adoption or rejection of development plan

12. Where the Ministry adopts or rejects a development plan, it shall give notice by advertisement stating where copies of the plan have been deposited for inspection.

Availability of adopted development plans

13. The Ministry shall make any adopted development plan, or copies thereof, available for inspection free of charge and at all reasonable hours at such place as the Ministry thinks convenient to the public having regard to the area to which the plan relates.

Alteration, repeal or replacement of development plans

14. These regulations shall apply with any necessary modifications, in relation to proposals for the alteration, repeal or replacement of a development plan as they apply in relation to a development plan.

Reconciliation of contradictions in development plans

15. In the case of any contradiction between the written statement and any other document forming part of a development plan, the provisions of the written statement shall prevail.

Reconciliation of contradictions between development plans

16. In the case of any contradictions between development plans for the same part of any area, the provisions which are more recently adopted shall prevail.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 1st day of August 1973.

(L.S.) *D. J. Perham,*
Assistant Secretary.

SCHEDULE

Development Plans

PART I

Matters to which proposals are required to relate by Regulation 6(a)

The matters to which the proposals formulated in a written statement are required to relate by regulation 6(*a*) are such of the following matters as the Ministry may think appropriate:

1 Population
2 Employment
3 Housing
4 Industry and Commerce
5 Transportation
6 Shopping
7 Education
8 Health and Personal Social Services
9 Other Social and Community Services
10 Recreation and Leisure
11 Conservation, Townscape and Landscape
12 Utility Services
13 Any other relevant matters including minerals

PART II

Matters required by Regulation 6(b) to be contained in written statement

The matters required by regulation 6(*b*) to be contained in a written statement are such indications as the Ministry may think appropriate of the following:—

1. The character, pattern and function of the existing development and other use of land in the area to which the plan relates and the present needs and opportunities for change.
2. Any changes already projected, or likely to occur, which may materially affect matters dealt with in the plan, and the effect those changes are likely to have.
3. The regard the Ministry has had to social policies and considerations.
4. The criteria to be applied as respects the control of development in the area, or part of the area, to which the plan relates.
5. The extent and nature of the relationships between the proposals formulated in the plan.
6. Any other relevant matters.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations make provision with respect to the form and content of development plans under Part III of the Planning (Northern Ireland) Order 1972, and with respect to the procedure to be followed in connection with their preparation and adoption. There is also provision for the procedure to be followed in connection with the alteration, repeal and replacement of development plans.