1990 No. 365

PLANNING

Planning (Simplified Planning Zones) Regulations (Northern Ireland) 1990

Made . . . . . 11th October 1990

Coming into operation . . 1st January 1991

The Department of the Environment in exercise of the powers conferred by Articles 2(2)(**a**) and 5(3),(5) and (6), 6(4) and (5) as applied by Article 13(A)(6), 13(A)(7) and 106(1) of the Planning (Northern Ireland) Order 1972(**b**) and now vested in it(**c**) and of all other powers enabling it in that behalf, makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Planning (Simplified Planning Zones) Regulations (Northern Ireland) 1990 and shall come into operation on 1st January 1991.

Interpretation

2.—(1) In these regulations—

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

"local advertisement" means an advertisement on at least one occasion in each of 2 successive weeks in at least one newspaper circulating in the area likely to be affected by the proposed simplified planning zone scheme or, as the case may be, by the proposed alteration to an existing scheme.

(2) References in these regulations to Articles 5 and 6 are references to Articles 5 and 6 of the Planning (Northern Ireland) Order 1972 as applied by Article 13A(6) of that Order.

Prescribed period for making representations

3. The period for making representations about proposals to make or alter a simplified planning zone scheme is a period of 6 weeks beginning with such date as the Department shall specify when giving publicity to its proposals in accordance with Article 5(3) or, where the Department is proceeding under Article 6 as respects a proposed alteration a period of 6 weeks beginning with the date on which the alteration is first made available for inspection in accordance with Article 6(3).

(**a**) See definition of "prescribed"
(**b**) S.I. 1972/1634 (N.I. 17) as amended by S.I. 1990/1550 (N.I. 14)
(**c**) S.R. and O. (N.I.) 1973 No. 504 Art 7(1); S.I. 1976/424 (N.I. 6) Art 3(1)

Objections to a proposed scheme etc

4. Objections to a proposed simplified planning zone scheme or to proposals to alter an existing scheme shall be made in writing within a period of 6 weeks beginning with the date on which the proposed scheme or alteration is first made available for inspection in accordance with Article 5(4) or 6(3) as the case may be.

Title

5. A simplified planning zone scheme shall be given a title which shall give an indication of the area to which the scheme relates and each document contained in a simplified planning zone scheme shall bear the title of the scheme.

Reconciliation of contradictions in simplified planning zone schemes

6. In the case of any contradiction between the written statement and any other document forming part of a simplified planning zone scheme, the provisions of the written statement shall prevail.

Notice that documents containing proposals to make or alter a scheme are open for inspection

7. When the Department makes copies of a proposed simplified planning zone scheme or a proposed alteration to an existing scheme available for inspection in accordance with Article 5(4) or 6(3) it shall publish a notice in the Belfast Gazette and by local advertisement stating—

(*a*) the area affected by the proposed scheme or, as the case may be, by the proposed alteration;

(*b*) the general nature of the proposed scheme or alteration;

(*c*) the places and times at which copies of the proposed scheme or alteration may be inspected by the public;

(*d*) that any objections to the proposed scheme or alteration, and in a case where the Department is acting pursuant to Article 6 any representations about the alteration should be made in writing;

(*e*) the time within which such objections and representations must be made and the address to which they should be sent;

(*f*) that any person making an objection may ask to be notified of the Department's decision in writing at such address as he specifies.

Public local inquiries

8.—(1) Where the Department intends to hold a public local inquiry to consider objections to proposals to make or alter a simplified planning zone scheme, it shall, at least 4 weeks before the inquiry is held—

(*a*) give notice by local advertisement of the time and place at which the inquiry is to be held and of the purpose of the inquiry; and

(*b*) serve a notice in the same terms as the notice referred to in sub-paragraph (*a*) on every person who has duly made objection (other than an objector who had indicated in writing that he does not wish to appear or be represented at the inquiry) and on such other person as it thinks fit.

(2) Copies of all objections to proposals to make or alter a simplified planning zone scheme which are to be considered at a public local inquiry hearing shall be made available for inspection at such place as the Department may specify in the notices given or served under paragraph (1).

Report of public local inquiry

9.—(1) Where a public local inquiry is held for the purpose mentioned in regulation 8, the Department shall after considering the report of the Planning Appeals Commission prepare a statement of—

(*a*) the decisions it has reached in the light of the report and any recommendations contained in it; and

(*b*) the reasons for those decisions.

(2) A copy of the report and of the statement of decisions and reasons mentioned in paragraph (1) shall be made available by the Department for public inspection not later than the date on which notice is first given under regulation 11.

Modifications

10.—(1) Where the Department intends to modify its proposals for the making or alteration of a simplified planning zone scheme it shall unless it is satisfied that the proposed modifications will not materially affect the content of the scheme or alteration—

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

(*b*) publish a notice by local advertisement stating where copies of the list of proposed modifications together with the original proposals have been deposited and the time within which any objections may be lodged;

(*c*) serve a notice in the same terms as the notice referred to in sub-paragraph (*b*) on any person who has duly objected to the scheme or alteration and not withdrawn his objection and on any other person as it thinks fit;

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

(*e*) decide whether or not to cause a further public local inquiry to be held to consider any objections so made and which are not withdrawn; and

(*f*) where a public local inquiry is held, afford any person who has duly made an objection to the proposed modifications and has not withdrawn his objection and such other person as it thinks fit an opportunity to appear and be heard.

(2) Regulations 8 and 9 shall apply in relation to proposed modifications as they apply in relation to proposals to make or alter a simplified planning zone scheme.

Notice of adoption of a simplified planning zone scheme etc

11. Where the Department adopts proposals for a simplified planning zone scheme or the alteration of such a scheme it shall give notice in the Belfast Gazette and by local advertisement and shall serve notice in the same

terms on any interested person who has asked the Department to notify him of its decision; and a copy of the notice and a copy of the scheme or alteration to which it relates shall be made available for inspection at every place at which copies of the proposed scheme or alteration were made available for public inspection.

Withdrawal of a proposed scheme etc.

12. Where the Department determines to withdraw proposals for the making or alteration of a simplified planning zone scheme it shall—

(*a*) give notice of such withdrawal by publishing a notice in the Belfast Gazette and by local advertisement; and

(*b*) serve notice in the same terms as the notice referred to in paragraph (*a*) on every person who has duly made objection to the proposed scheme or alterations and any other person whom it considers should be given notice.

Sealed with the Official Seal of the Department of the Environment on 11th October 1990.

(L.S.) *John Russell*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Articles 13A-13E of the Planning (Northern Ireland) Order 1972 as inserted by Article 5 of the Planning and Building Regulations (Amendment) (Northern Ireland) Order 1990 allow the Department to designate areas as Simplified Planning Zones by means of Orders adopting Simplified Planning Zone Schemes. A Simplified Planning Zone Scheme provides planning permission within the area covered by the Scheme for development in accordance with the Scheme without the need for specific application.

These regulations make provision as to the procedures to be followed in the making or alteration of these Schemes, by prescribing periods within which representations and objections must be made (regulations 3 and 4), laying down a procedure for the consideration of any report of a public local inquiry occasioned by objections (regulation 9) and for the modification of proposals to make or alter a Scheme (regulation 10). They also specify certain notices to be given by the Department in connection with inspection of documents containing proposals to make or alter a Scheme, the holding of public local inquiries, adoption of Schemes and the withdrawal of proposed Schemes, (regulations 7, 8, 11 and 12).

1990 Nos. 366, 367

These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.