

2015 No. 63

PLANNING

**The Planning (Statement of Community Involvement)
Regulations (Northern Ireland) 2015**

Made - - - - - *16th February 2015*

Coming into operation - - - - - *1st April 2015*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 4(6) and 247(1) and (6) of the Planning Act (Northern Ireland) 2011^(a):

Citation and commencement

1. These Regulations may be cited as the Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 and come into operation on 1st April 2015.

Interpretation

2.—(1) In these Regulations—

“the 2011 Act” means the Planning Act (Northern Ireland) 2011;

“council” means a district council;

“electronic communication” has the meaning assigned to it by section 4 of the Electronic Communications Act (Northern Ireland) 2001^(b),

“local advertisement” means an advertisement for two successive weeks in at least one newspaper circulating in the district of the council.

Electronic communication

3.—(1) Without prejudice to section 24(2) of the Interpretation Act (Northern Ireland) 1954^(c), any notice or other document required to be served on or sent or given to any person under these Regulations may be served, sent or given, in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in paragraph (2), to that person at that address.

(2) The condition mentioned in paragraph (1) is that the notice or other document is—

- (a) capable of being accessed by the recipient,
- (b) legible in all material respects, and

(a) 2011 c.25 as amended by 2014 c.8 (N.I.)
(b) 2009 c.9 (N.I.) as amended by 2003 c.21 (N.I.)
(c) 1954 c.33

(c) in a form sufficiently permanent to be used for subsequent reference, and for this purpose “ legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent that it would be if served or given by means of a notice or document in printed form.

(3) Where a person uses electronic communications to transmit any notice or other document for any purpose of these Regulations which is capable of being carried out electronically that person shall be taken to have agreed, except where a contrary intention appears, to the use of such communications and that his or her address for that purpose is the address incorporated into, or otherwise logically associated with the notice or document.

(4) Where a person is no longer willing to accept the use of electronic communications for any purpose of these Regulations which is capable of being carried out electronically, he or she must give notice in writing—

- (a) withdrawing any address notified to the council or the Department for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the council or the Department for that purpose;

and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than 7 days after the date on which the notice is given.

Form and content of the statement of community involvement

4. The statement of community involvement must include within it the following matters—

- (a) the principles of how the council will involve the community in exercising its local development plan functions under Part 2 of the 2011 Act;
- (b) the timing of, and the method by which—
 - (i) participation will occur at each stage of the local development plan procedure, and
 - (ii) the council will respond to the participation process referred to in sub-paragraph (i);
- (c) details of how the council will use those responses at each stage in developing the content of its local development plan; and
- (d) the principles of how the council will involve the community in exercising its planning control functions under Part 3 of the 2011 Act.

Statement of community involvement consultation

5.—(1) Before preparing a statement of community involvement, a council must also consider whether it is appropriate to invite representations from persons who have an interest in development in its area.

(2) If a council decides that it is appropriate to invite representations under paragraph (1), it must make such arrangements for the purposes of inviting representations from such persons of the descriptions in paragraph (1) as it thinks appropriate.

(3) In preparing the statement of community involvement, the council must take into account any representations made to it in response to invitations under paragraph (1) or (2).

Agreement of the statement of community involvement

6.—(1) The statement of community involvement (prepared in accordance with regulation 4) must—

- (a) be approved by resolution of the council prior to submission to the Department for its agreement, and
- (b) be submitted to the Department for its agreement.

(2) The Department must respond within four weeks of receipt of the statement of community involvement unless it has, before the expiry of that period, notified the council in writing that it requires more time to consider the document.

(3) If before the end of the period mentioned in paragraph (2), the Department has failed to respond to the receipt by it of the statement of community involvement, its agreement will be deemed to have been given at the end of that period.

(4) Subject to paragraph (3) until such time as the Department agrees the statement of community involvement, the council must not take any steps under regulation 7 to advertise its proposals.

(5) The council must keep the statement of community involvement under regular review and any revision must comply with the requirements of these Regulations.

Availability of statement of community involvement

7.—(1) Where a statement of community involvement or a revision of a statement of community involvement is agreed or deemed to be agreed, the council must—

- (a) make a copy of the agreed statement of community involvement available for inspection at its principal offices during normal office hours;
- (b) give notice by local advertisement—
 - (i) that the statement is available for inspection,
 - (ii) the place and times at which it can be inspected; and
- (c) publish the statement on its website.

Sealed with the Official Seal of the Department of the Environment on 16th February 2015



Angus Kerr
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 4 of the Planning Act (Northern Ireland) 2011 places a statutory duty a council to prepare a statement of community involvement (SCI).

The SCI is a statement a council's policy for involving anyone with an interest in matters relating to development in its district or in its local development plan and planning control functions.

These Regulations prescribe the form and content of the SCI to be prepared by a council and the procedure for its preparation and agreement by the Department. The Regulations also make provision that allow a council to carry out a discretionary public consultation on the SCI if it so wishes.

The Regulations also prescribe the publicity and availability requirements once the SCI has been agreed.

A Regulatory Impact Assessment has been prepared in respect of these Regulations. Copies may be viewed at www.planningni.gov.uk or alternatively, hard copies may be requested from Planning Policy Division, Causeway Exchange, Town Parks, 1–7 Bedford Street, Belfast BT2 7EG.

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