Development Plan
Practice Note

Timetable

April 2015
Preamble

This Development Plan Practice Note is designed to guide planning officers and relevant users through the key requirements for the preparation of the Timetable and deals primarily with procedures as well as good practice. It forms part of a series of new practice notes stemming from the Planning Act (Northern Ireland) 2011 [the 2011 Act] and any related subordinate legislation. The emphasis is very much on advice but where explicit legislative requirements must be followed these will be made clear.

Where appropriate this practice note will therefore highlight:

- Relevant legislation;
- Procedural guidance;
- Definitions;
- Best practice examples / relevant case law

This guidance is not intended to replace the need for judgement by planning officers involved in the local development plan making process. Nor is it intended to be a source of definitive legal advice. Reference should be made to the actual legislation referred to in this document and if any discrepancy or conflict exists between the Practice Note and legislation the provisions of the legislation will prevail.
1.0 Introduction

1.1 The timetable is a public statement of a council’s programme for the production of its local development plan (LDP). The timetable will help ensure that the plan process is efficiently managed and that the key stakeholders such as the consultation bodies and the Planning Appeals Commission (PAC) are kept informed and can manage their own resources to facilitate their involvement in the LDP process.

2.0 Legislative Context

2.1 Section 7 of the 2011 Act requires a council to prepare, and keep under review, a timetable for the preparation and adoption of the local development plan. Sections 8(4)(a) and 9(4)(a) require both the Plan Strategy and Local Policies Plan to be prepared in accordance with the timetable.

2.2 Regulations 5 to 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (LDP Regulations) sets out the requirements for the preparation, form and content, agreement and availability of the timetable.

3.0 Requirements for Preparation of the Timetable

3.1 In relation to a council’s LDP functions, it is a statutory requirement that the LDP must be prepared in accordance with the timetable. Therefore before a council can consult on its Preferred Options Paper, it must have an agreed/approved timetable in place in order to inform the general public and all stakeholders of the key dates of the local development plan process from the initial stages of the Preferred Options Paper through to the preparation and adoption of the Plan Strategy and the subsequent Local Policies Plan. The process for the preparation and agreement of the timetable is broadly outlined in the Figure 1.
Figure 1: Requirements for preparation of the timetable

Council must consult the planning appeals commission and such of the consultation bodies as it considers appropriate.

Council prepares timetable to include indicative dates for:
- each stage of the preparation of the LDP;
- publication of the preferred options paper
- publication of the plan strategy and local policies plan;
- adoption of the plan strategy and local policies plan;
- the carrying out of the sustainability appraisal and the preparation of the report on its findings.

Submit timetable to Department for agreement

Council and Department must attempt to agree terms of the timetable

Department must respond to Council within 4 weeks of receipt of the timetable

If Dept does not respond to Council, the timetable is deemed to be agreed

OR

Dept may direct Council to make modifications and re-submit for agreement

OR

Dept notifies Council in writing that it requires more time to consider timetable

Timetable agreed

Council must make timetable available for inspection, give notice by local advertisement and publish the timetable on its website
3.2 Regulation 5 of the LDP Regulations requires a council to consult the planning appeals commission and such of the consultation bodies as a council considers appropriate.

3.3 It is important that consultation bodies are consulted as their input is required to inform the preparation of the LDP. They may also be required to attend the independent examination. Furthermore, as the PAC will have to undertake an independent examination into each development plan document, a council must also seek agreement on the timing of the independent examination early in the preparation process, particularly as the PAC may have to conduct more than one independent examination at any given time. Seeking consensus from all parties involved in the key stages of the LDP will allow for effective programme management by allocating sufficient time and resources and prioritising work where necessary in order to avoid unforeseen delays in the preparation process.

Content of the Timetable

3.4 Regulation 6 of the LDP Regulations requires a council to include indicative dates for:

a) each stage of the preparation of the local development plan including indicative dates for;

   (i) publication of the preferred options paper;
   (ii) publication of the plan strategy and publication of the local policies plan;
   (iii) adoption of the plan strategy and adoption of the local policies plan; and

b) the carrying out of the appraisal under sections 8(6)(a) and 9(7)(a) of the 2011 Act and the preparation of the report on the findings of the appraisal under sections 8(6)(b) and 9(7)(b) of the 2011 Act.
3.5 The timetable should set out a council’s programme for the production of its LDP. The LDP Regulations provide that the timetable must include indicative dates from the commencement of the LDP process up to its conclusion at the adoption of the local policies plan. It must set out the timings of the publication and public consultation for the preferred options paper and the development plan document as well as accompanying documents such as the Sustainability Appraisal (SA) including Strategic Environmental Assessment (SEA). A council may also wish to include timings for the Habitats Regulations Assessment, and EQIA reports which will also be published alongside the development plan documents. The timetable should make the public aware of the plan preparation and public consultation programme well in advance of the events.

3.6 It is recommended that indicative dates, on a month by month or quarterly basis are used as it may be difficult for a council to provide specific dates for the key stages of the plan process from the outset of the preparation of the LDP. Indicative dates also allow for a degree of flexibility to enable a council to effectively manage the LDP preparation process whilst reducing the potential need for the constant review and/or revision to the timetable.

3.7 The length of time allocated to a specific stage of the LDP will depend on a number of factors such as the availability of resources (council, statutory consultees, Department, and PAC or other Independent Examiner), the input of statutory consultees, the number of representations received, and the assessment of those representations, the work load of the planning appeals commission and the subsequent changes to the draft PS/LPP stemming from the Independent Examination and binding report issued by the Department.

3.8 Timescales should be realistic to reflect the resources available and the nature and complexity of the task. It may be helpful to undertake a
skills audit of staff to identify strengths and weakness which will in turn help to prepare a suitable work or training programme for the preparation of the LDP. In preparing the timetable, a council should also carry out an analysis of the risks associated with the targets of LDP preparation.

3.9 Any revisions to the timetable should state the plan preparation progress to date, what remains to be completed, reasons for slippage of the timetable, and the implications this may have for the subsequent stages of plan preparation.

3.10 Annex 1 provides an example of a timetable for a LDP.

Agreement of the Timetable

3.11 Regulation 7 of the LDP Regulations sets out the requirements for the agreement of the timetable.

1. The timetable must;

   (a) be approved by resolution of the council prior to submission to the Department for its agreement; and

   (b) submitted to the Department.

2. The Department must respond within four weeks of receipt of the timetable unless it has, before the expiry of that period, notified the council that it requires more time to consider the timetable;

3. If before the end of the period specified in paragraph (2), the Department has failed to respond to the receipt by it of the timetable, it will be deemed to be agreed at the end of that period;
4. Until such time as the Department agrees the timetable, the council must not, in the preparation or revision of the LDP, take any steps under Regulation 10 to advertise its preferred options paper;

5. Paragraphs 1 to 3 apply to the revision of a timetable as they apply to its preparation.

3.12 Once the timetable has been agreed by the Department, a council must comply with it when preparing all future documents in the local development plan preparation process. In the event that a council cannot reach agreement with the Department, the Department may direct a council to revise its timetable and re-submit it to the Department for approval.

3.13 It is important that a council liaises with the Department to agree the timetable to ensure it is robust and realistic. It also allows the Department to determine whether it might be necessary to make arrangements to appoint an independent examiner other than the planning appeals commission.

3.14 Legislation requires a council to keep the timetable under review to ensure that the preparation of the LDP is proceeding in accordance with the timetable. Following any such review of the timetable, adjustments that may be required must be set out clearly and an explanation provided. The revised timetable must be submitted to the Department for agreement. Any review of the timetable must be subject to the same agreement/ approval requirements as set out in Regulation 7 above.

Availability of the Timetable

3.15 Following agreement of the timetable, Regulation 8 requires a council to make the agreed timetable publicly available for inspection at its
principal offices and such other places within its district as it considers appropriate. A council must also give notice by local advertisement that the timetable is available for inspection and the place and times at which it can be inspected. A council must also publish the timetable on its website.
Annex 1: Example of Timetable for the Local Development Plan

Timetable for XXXXXX Local Development Plan

The purpose of the timetable is to set out the key stages in the production of the XXXXXX Local Development Plan and accompanying documents. An explanation is given, as to how the project is to be managed, the resources required, how risks of delay are to be minimised, and monitored arrangements.

The purpose of the XXXXXX Local Development Plan, comprising the Plan Strategy and Local Policies, is to inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will implement the strategic objectives of the Regional Development Strategy and guide development decisions within XXXXXXX up to 2025.

Status

The Local Development Plan will replace the XXXX Area Plan(s). The Plan will be produced in two stages consisting of first a Plan Strategy followed by Local Policies Plan. The Plan Strategy will set the aims, objectives overall growth strategy and associated generic policies applicable to the Plan Area. In contrast the Local Policies Plan will deal with site specific policies and proposals associated with settlement limits, land use zonings and environmental designations.
Agree Timetable and Statement of Community Involvement
Consult Consultation Body with Sustainability Appraisal inc SEA Scoping Report

Publish Preferred Options Paper
with Sustainability Appraisal inc. SEA Interim Report
8 to 12 week statutory consultation period

Publish Draft Plan Strategy
with Sustainability Appraisal inc. SEA, Habitats Regulations Assessment & EQIA
8 week consultation period for representations followed by 8 week period for counter representations

Independent Examination
• Advisory Report to Department of the Environment
• Dept of the Environment issues Binding Report to Council

ADOPTION OF PLAN STRATEGY
with Sustainability Appraisal inc. SEA, HRA & EQIA

Publish Draft Local Policies Plan
with Sustainability Appraisal inc. SEA, Habitats Regulations Assessment & EQIA
8 week consultation period for representations followed by 8 week period for counter representations

Independent Examination
• Advisory Report to Dept of the Environment
• Dept of the Environment issues Binding Report to Council

ADOPTION OF LOCAL POLICIES PLAN
with Sustainability Appraisal inc. SEA, HRA & EQIA

Prepare new Timetable for work to include production of supplementary planning documents and 5 and 10 year review leading to commencement on a replacement local development plan.
Project Management

Meeting the timetable is dependent upon Member involvement, adequate resourcing and risk management.

Member Involvement

Progress on the XXXXXXX Local Development Plan will be reported to the council on a monthly basis. In addition to the attached timetable there are a number of critical dates for Members involvement:

- The Preferred Options Paper will be presented for Members agreement in (Date) to allow for (Date) publication.
- The findings from the public consultation exercise, the Sustainability Appraisal and Draft Plan Strategy will be presented for Members agreement in (Date) to allow for publication in (Date).
- Member's authorisation will be sought in (Date) to forward the Plan with any representations to the Department of the Environment to request an Independent Examination. Any counter representations will be forwarded eight weeks later.
- Member's authorisation will be sought in (Date) on whether to accept or rebut the representations and submissions made to the Independent Examination by the date set.
- The binding report from Department of the Environment will be presented to Members to allow adoption in (Date).
- The Draft Local Policies Plan will be presented to Members in (Date) for authorisation of publication.
- Member’s authorisation will be sought in (Date) to forward the Plan with any representations to the Department of the Environment to request an Independent Examination. Any counter representations will be forwarded eight weeks later.
- Member’s authorisation will be sought in (Date) on whether to accept or rebut the representations and submissions made to the Independent Examination by the date set.
- The binding report from Department of the Environment will be presented to Members to allow adoption in (Date).

Adequate Resourcing / Expenditure

The staff required to undertake the Local Development Plan is as follows:

XXXXXXXX

*Include any additional inputs / consultancy.....etc.*
Annual expenditure will be XXXXXX to cover all administrative, equipment and millage allowances. The cost of publications and advertising as required by legislation is estimated as follows:

*(for each key milestone in local development process)*

**Risk Management**

As already stated the timetable is challenging and there are a number of risks that could slow down the Plan Programme. In order to manage risk, a Risk Management Log (Table 1) assesses a variety of risks, processes countermeasures to mitigate delay.

### Table 1 Risk Management Log

<table>
<thead>
<tr>
<th>Area of Uncertainty/Risk</th>
<th>Effect</th>
<th>Likely-hood</th>
<th>Impact</th>
<th>Response/Countermeasure</th>
<th>After response</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Likelihood</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Key

<table>
<thead>
<tr>
<th>Definition</th>
<th>Likelihood</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Very Low</td>
<td>Rare</td>
<td>No notable impact identifiable</td>
</tr>
<tr>
<td>2 Low</td>
<td>Unlikely</td>
<td>Short term delays with no major impacts on stakeholders (months).</td>
</tr>
<tr>
<td>3 Medium</td>
<td>Likely</td>
<td>Significant delays (up to one year) impacting on investment.</td>
</tr>
<tr>
<td>4 High</td>
<td>Very likely</td>
<td>Long term delay (excess of a year) impacting on most stakeholders.</td>
</tr>
<tr>
<td>5 Very High</td>
<td>Certain</td>
<td>Failure to prepare a plan or deliver sustainable development.</td>
</tr>
</tbody>
</table>

**Annual Monitoring**

An annual monitoring report will be produced by the council to inform Members and the Department of the Environment on progress in meeting the timetable and on the land availability for housing and employment. If progress on plan production has slipped, the timetable will need to be revised and agreed with the Department in accordance with the Development Plan Regulations.