



**Oifig an  
Rialaitheora Pleanála**  
Office of the  
Planning Regulator

# A Guide to Making a Development Plan

**Office of the Planning Regulator**



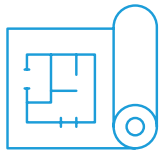
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# Introduction

This paper has been prepared by the Office of the Planning Regulator (OPR) as an information source for elected members to assist in the discharge of their statutory functions relating to the making or varying of a development plan and in relation to the making of a local area plan.

The paper is intended to provide a non-technical summary of the main aspects of the process of preparing development plans and local area plans within the meaning of the Planning and Development Act 2000, as amended (the Act).

The paper is not intended to be a legal interpretation of the Act and is for general information purposes only.

The paper should be read in conjunction with the Act and Regulations made thereunder by the Minister for Housing, Local Government and Heritage (the Minister) and guidelines issued by the Minister under Section 28 of the Act. These include the guidelines published by the Minister in 2007 which were revised and updated by the **Development Plan Guidelines for Planning Authorities** published by the Minister in June 2022.

# Section 1

## Timetable for Development Plan Preparation<sup>1</sup>

Under Section 9 of the Act, each planning authority is required to make a development plan for its functional area every six years.

Under Section 11 of the Act, a planning authority must give notice of its intention to review its existing development plan and to prepare a new development plan for its area not later than four years after the making of the existing development plan.

The Act also provides that a person cannot question the validity of a development plan by reason only that the procedural steps set out in the Act (specifically in Sections 11 and 12) were not completed within the specified timeframes as required under each relevant subsection.

For the purpose of this briefing paper, the preparation of a development plan can be broken down into five stages, namely:

### ▶ Stage 1:

**Preliminary Stage** – involves the preliminary and preparatory work which is completed by the executive. This includes (i) gathering relevant information, (ii) completion of baseline studies for the purpose of enabling EU Directive-related assessments to be conducted of the development plan process, and (iii) cross-sectoral engagement;

### ▶ Stage 2:

**Pre-Draft Stage** – involves the publication by the executive of statutory notices to prescribed bodies. It also involves engaging with physical and social infrastructure providers and conducting public engagement events to highlight the commencement of the plan-making process and to invite submissions from the public. This stage includes the preparation of a report by the Chief Executive on the submissions received, and the issuing of directions by the elected members to the Chief Executive on the content of the draft plan, bearing in mind statutory obligations. This stage concludes with the preparation of the draft plan and the passing of a resolution by the members to place the draft plan on public display;

### ▶ Stage 3:

**Draft Development Plan Stage** – involves the publication of the draft development plan and the associated environmental assessments for consultation. It also involves the publication by the executive of statutory notices to prescribed bodies, and the receipt of submissions that are the subject of a further report of the Chief Executive and which may give rise to a decision by the elected members to make material alterations to the draft development plan;

<sup>1</sup> A new, innovative user-friendly application which allows you to quickly and easily calculate the different stages and timeframes for city and county development plans is available at <https://www.opr.ie/opr-launches-interactive-plan-making-calculator/>.

▶ **Stage 4:**

**Material Alterations Stage** – involves the publication of any material alterations to the draft development plan for public consultation. It also involves the publication by the executive of statutory notices to prescribed bodies, the receipt of submissions and the consideration of same by the elected members on foot of a final report of the Chief Executive on any submissions received and relevant environmental assessments;

▶ **Stage 5:**

**Making of the Development Plan** – involves the final decision on the making of the plan, publishing notice of the making of the plan, making available the written statement and maps and all associated documents (including the SEA Statement post-adoption) and the coming in to being of the plan six weeks after the elected members' decision.



## Stage 1: PRELIMINARY



At least 1 year  
before commencing  
pre-draft

This stage involves data gathering, survey work and analysis, the output of which can in turn be used to prepare working papers in consultation with key stakeholders including service providers, prescribed bodies, the senior management team, elected members, strategic policy committees (SPCs), the local community development committee (LCDC) and groups or associations representing the interests of children. At this preliminary stage a baseline report, background technical papers and draft proposals may be prepared to inform the subsequent, formal commencement of the plan review.

An important area of work at this stage is cross-sectoral engagement. The Act requires that the development plan has due regard to policies and programmes of government departments and agencies.

This includes taking account of relevant policies and investment programmes, as well as those of adjoining local authorities and the relevant regional assembly.

Therefore, before formally inviting submissions at pre-draft stage (i.e. Stage 2), consultation with key stakeholders should be arranged during the preliminary stage. This can include bodies such as neighbouring local authorities and regional assemblies, Government Departments including the Department of Housing, Local Government and Heritage, the Department of Education, and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, State and Semi-State Agencies including the Central Statistics Office, designated environmental authorities for example the Environmental Protection Agency, the National Transport Authority, Transport Infrastructure Ireland, Irish Water, local business and community based organisations, partnerships and other local groups.

The development plan process must also comply with requirements under EU environmental legislation, including Appropriate Assessment (AA)<sup>2</sup> and Strategic Environmental Assessment (SEA)<sup>3</sup> and the Water Framework Directive. The planning authority must engage in preliminary scoping exercises including in relation to AA and SEA during this stage.

## Stage 2: PRE-DRAFT



### Notice of intention to review

The planning authority must publish **notice of its intention to review** the existing development plan not later than four years after the making of the development plan.

The relevant timelines are set out under Section 11(1) of the Act. Put simply, all development plans must be reviewed within 26 weeks of the adoption by the relevant regional assembly of that assembly's Regional Spatial and Economic Strategy (RSES) for their area of responsibility.

The notice must invite submissions or observations over a **minimum period of 8 weeks** regarding the review of the existing development plan and the preparation of a new development plan.

Notice of the intention to review the development plan should be accompanied by an 'Issues and Options Paper', which should include core strategy options for public consultation purposes, set out key information on strategic issues and ask questions as to what policies people would like to see included in the new plan.

<sup>2</sup> Part XAB of the 2000 Act and the European Communities (Birds and Natural Habitats) Regulations 2011, as amended.

<sup>3</sup> Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended.

The notice must be published in at least one newspaper circulating in the functional area of the planning authority and must be issued to:

- ▶ the Minister for Housing, Local Government and Heritage,
- ▶ the Office of the Planning Regulator,
- ▶ any prescribed authorities as identified in the Planning and Development Regulations,
- ▶ any adjoining planning authorities,
- ▶ An Bord Pleanála,
- ▶ the relevant regional assembly, and
- ▶ any local community development committee within the functional area of the planning authority.

The notice must specify that submissions at pre-draft stage may not include requests for the zoning of land for specific purposes. At this stage the planning authority is seeking input on the broad strategy for the future development of its area.

### Consultation with infrastructure providers and the public

After giving notice, the planning authority must take whatever measures it sees fit to consult with infrastructure and service providers, including providers of transport, energy, telecommunications, water, education, health, policing and other services. This is to ensure that the planning authority has all of the necessary information in relation to long-term plans for the provision of infrastructure and services in the area.

As soon as notice is given of the development plan review, the planning authority must also take such additional measures as it considers necessary to ensure effective participation by the public and interested bodies in the plan-making process.

### Chief Executive's report

Upon conclusion of the public consultation and **no later than 16 weeks** following the publication of the notice, the Chief Executive (CE) of the planning authority is required to prepare a report on the submissions or observations received during the consultation period.

This report must:

- ▶ List the persons or bodies who made submissions or observations as well as any persons or bodies consulted by the planning authority,
- ▶ Summarise the issues raised in the submissions and during the consultations, where appropriate, but should not refer to any submission(s) relating to a request for zoning of particular land for any purpose,
- ▶ Provide details of any recommendations issued by the Office of the Planning Regulator, the relevant regional assembly and the National Transport Authority (in the context of planning authorities located in the Greater Dublin Area),

- ▶ Give the opinion of the Chief Executive on the range of issues raised during the consultation phase, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area, and any relevant policies or objectives of the government or of any minister of the government, and
- ▶ State the Chief Executive's recommendations on the policies to be included in the draft development plan, and include a 'draft core strategy'.

The Chief Executive's report must be submitted to the elected members of the planning authority for their consideration.

### Directions from elected members

Following consideration of the Chief Executive's report, the elected members may, **within 10 weeks** of receiving the report, issue directions to the Chief Executive regarding the preparation of the draft development plan. These directions must:

- ▶ Be **strategic in nature** and be **consistent with the draft core strategy**,
- ▶ **Take account of the statutory obligations of any local authority** in the area and any relevant policies or objectives of the government or of any minister of the government,
- ▶ Be **restricted to considering the proper planning and sustainable development of the area** to which the development plan relates.

The Chief Executive shall comply with any such directions.

It should be noted that in Section 12 of the Act regarding the making of a development plan, subsection 18 defines 'statutory obligations' in relation to that section as including the obligation to ensure that the development plan is consistent with:

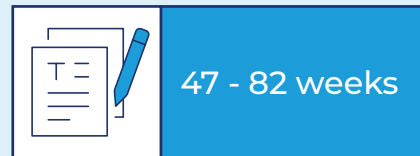
- (a) The **national and regional development objectives** specified in:
  - i. The **National Planning Framework**, and
  - ii. The **Regional Spatial and Economic Strategy**, and
- (b) **Specific Planning Policy Requirements** specified in guidelines under subsection (1) of Section 28.

### Draft development plan to elected members

Not later than **12 weeks** following the receipt of directions from the elected members, the Chief Executive must prepare a draft development plan and submit it to the elected members for their consideration. The members are required to consider the initial draft plan. This plan shall be deemed to be the draft development plan unless, within **8 weeks** of submission of the plan to the members for consideration, the members, by resolution, amend the plan.



## Stage 3: DRAFT



### Notice of consultation

As provided for under Section 12(1) of the Act, within **2 weeks** of the draft development plan being made by the elected members, the planning authority must publish a notice and place the draft plan and environmental reports on display for public consultation. This consultation period must continue for a minimum period of **10 weeks**.

The notice must be published in at least one newspaper circulating in the functional area of the planning authority. A notice and a copy of the draft development plan must also be issued to:

- ▶ The Minister for Housing, Local Government and Heritage,
- ▶ The Office of the Planning Regulator,
- ▶ An Bord Pleanála,
- ▶ The relevant regional assembly,
- ▶ The prescribed authorities, and
- ▶ Any local community development committee in the area.

Any written submissions or observations with respect to the draft plan which are made to the planning authority within the period stated in the notice must be taken into account before the making of the plan.

## Chief Executive's report

Within **22 weeks** of the publication of the notice, the Chief Executive must prepare a report on any submissions and observations received, and must submit this report to the elected members for their consideration.

The Chief Executive's report shall:

- ▶ List the persons or bodies who made submissions or observations,
- ▶ Provide a summary of—
  - (I) the recommendations, submissions and observations made by the Office of the Planning Regulator,
  - (II) the submissions and observations made by any other persons, in relation to the draft development plan,
- ▶ Give the response of the Chief Executive to the issues raised, taking account of
  - any directions of the elected members given in relation to the draft development plan prior to publication,
  - the proper planning and sustainable development of the area,
  - the statutory obligations of any local authority in the area,
  - any relevant policies or objectives of the government or of any minister of the government, and
  - if appropriate, any observations made by the Minister for Housing, Local Government and Heritage in relation to protected structures.
- ▶ Provide a summary of the issues and recommendations raised by the relevant regional assembly and the National Transport Authority (in the context of planning authorities located in the Greater Dublin Area) in their written submissions, and outline the recommendations of the Chief Executive in relation to the manner in which those issues and recommendations should be addressed in the development plan.

Following consideration of the draft plan and the Chief Executive's report, where a planning authority decides not to comply with any recommendation by the Minister, the Office of the Planning Regulator, or the regional assembly, it must inform the Office of the Planning Regulator, the Minister or the regional assembly, as the case may be, by a notice in writing that shall contain reasons for the decision.

## Protected structures

The Minister for Housing, Local Government and Heritage (HLGH) has a role in relation to the designation of protected structures, whereby he or she can make recommendations to a planning authority concerning the record of protected structures. A planning authority is required to have regard to any recommendation made by the Minister for (HLGH), and if it decides not to comply with the recommendation, it shall inform the Minister for HLGH of this fact (see Section 53 of the Act).

Where the draft plan includes any provision relating to an addition to or deletion from the record of protected structures, the planning authority must serve a notice of the proposed addition or deletion on each person who is the owner or occupier of the proposed/existing protected structure.

The notice must invite submissions or observations and must include specific information that is detailed under Section 12(3)(b) of the Act.

Additions or deletions from the record of protected structures at any time other than in the course of making the development plan (i.e. outside the two year period), may be made under Section 55 of the Act.

## Consideration by members

Within **12 weeks** of receiving the Chief Executive's report, the elected members consider the draft plan and the Chief Executive's report and pass a resolution to accept or amend the draft plan.





## Stage 4: MATERIAL AMENDMENTS



83 - 99 weeks

Where the members wish to make an amendment, on foot of a resolution, to the draft development plan, and such an amendment would represent a 'material alteration' of the plan, a further period of public consultation is required, as well as a determination as to whether relevant environmental assessments of such an amendment is required.

If such environmental assessments are required, the Chief Executive must, not later than **2 weeks** from the determination, specify the period of time required for such assessments.

### Public notice and consultation

Not later than **3 weeks** after the passing of the resolution to amend the draft plan, the planning authority shall publish notice of the proposed material alteration and, where required, the determination in respect of whether SEA and AA or both is/are required, in at least one newspaper circulating in the area, and send notice and a copy of the proposed amendment to the Minister, the Office of the Planning Regulator, An Bord Pleanála and the prescribed authorities.

The public notice must state:

- ▶ that a copy of the proposed material alteration and of any determination by the authority that SEA and/or AA is required may be inspected at a stated place or places and at stated times, and on the authority's website, during a stated period of not less than **4 weeks**, and

- ▶ that written submissions or observations with respect to the proposed material alteration or SEA and/or AA and made within a stated period shall be taken into account by the authority before the development plan is made.

The planning authority shall carry out SEA and/or AA of the proposed material alteration of the draft development plan within the period specified by the Chief Executive.

### Chief Executive's report

Not later than **8 weeks** after publishing the notice, the Chief Executive must prepare a further report in relation to submissions and observations received in relation to the proposed material alteration. This report shall:

- ▶ list the persons or bodies who made submissions or observations,
- ▶ provide a summary of—
  - I. the recommendations, submissions and observations made by the Office of the Planning Regulator, and
  - II. the submissions and observations made by any other persons, in relation to the material alterations,
- ▶ give the response of the Chief Executive to the issues raised, taking account of the directions of the members, the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the government or of any minister of the government.

### Consideration by members

The elected members have a maximum of **6 weeks** to consider the Chief Executive's report in respect of the material amendments. The members must decide, by resolution, to make the plan with or without the proposed amendments. If the members decide to accept the amendments, they may do so subject to any 'modifications' to the amendments as they consider appropriate, whereby a further period of public consultation does not apply.

Given the importance of public participation in the making of the plan, the term 'modifications' must be interpreted carefully so that any substantial change to the proposed amendment would be avoided, because the Act states that a modification to a material alteration:

- ▶ may (only) be made **where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,**
- ▶ shall **not be made** where it relates to—
  - (I) **an increase in the area of land zoned for any purpose, or**
  - (II) **an addition to or deletion from the record of protected structures.**



## Stage 5: MAKING OF PLAN



### Public notice and consultation

The Act specifically states that in making the development plan, **the members are restricted to considering the proper planning and sustainable development of the area** to which the development plan relates, the **statutory obligations** of any local authority in the area, **and any relevant policies or objectives for the time being of the government or any minister of the government.**

The making of the development plan is a **reserved function**, that is, a function of a planning authority that may only be exercised by the elected members of that authority. This is in contrast to executive functions such as the various enabling, preparatory and notice requirements for plan-making, which are exercised by the Chief Executive or some delegated person of the authority.

### Public notice

Once the planning authority has, by resolution, made the decision to make the development plan, it must publish public notices in at least one newspaper circulating in the area and send copies of such notice to the Minister, the Office of the Planning Regulator, the prescribed authorities, any adjoining planning authorities, An Bord Pleanála and any local community development committee within its area.

The notice must state that a copy of the plan is available for inspection at a stated place or places and that the copy shall be kept available for inspection accordingly.

It is a specific requirement that the planning authority notify the Office of the Planning Regulator within five working days of the making of a development plan and send a copy of the written statement and maps.

### Plan operational

The plan becomes effective six weeks following the passing of the resolution by the elected members.

# Section 2

## Variations of Development Plans

Section 13 of the Act provides for the planning authority, at any time, to decide to make a variation of the development plan that is in force at that time.

### Initial process and reasons for variations

The elected members may, at any time and for stated reasons, submit a resolution to the Chief Executive requesting that he/she prepares a report on a proposal by the members to initiate a process to consider the variation of the development plan in force. It is a requirement that **three quarters** of the members approve such a resolution.

Within **4 weeks** of the adoption of such a resolution, the Chief Executive must submit a report to the members.

It is important to note that in making resolutions in relation to variations, members are restricted to considering:

- ▶ the proper planning and sustainable development of the area,
- ▶ the statutory obligations of any local authority in the area, and
- ▶ any relevant policies or objectives of the government or any minister of the government.

Furthermore, members must consider whether the content of the proposed variation is appropriate as a variation of the development plan.

This means that the case for a variation must be strong in terms of accommodating a new form of development not envisaged by the existing development plan (e.g. solar farms), rather than in reaction to issues that may arise in respect of individual development proposals or types of development, which are best moderated through the development management process.

Where a planning authority decides to proceed with a variation of a development plan, it must follow the statutory process set out under Section 13 of the Act.

The statutory process begins by publishing a notice in one or more newspapers in the area, as well as issuing notice and copies of the proposed variation to the Minister for Housing, Local Government and Heritage, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, the Office of the Planning Regulator, An Bord Pleanála, the relevant regional assembly, any adjoining planning authority, the prescribed authorities, and any local community development committee within the area of the development plan.

The notice must state:

- ▶ the reason or reasons for the proposed variation,
- ▶ that a copy of the proposed variation may be inspected at a stated place or places and at stated times during a stated period of not less than **4 weeks** (and the copy of the draft variation shall be kept available for inspection), and

- ▶ that written submissions or observations with respect to the proposed variation made to the planning authority within the said period will be taken into consideration before the making of the variation.

### Chief Executive's report

Not later than **8 weeks** after issuing the notice above, the Chief Executive must prepare a report on the submissions or observations received and submit the report to the members for their consideration. The report must list the persons or bodies who made submissions or observations, provide a summary of the recommendations, submissions and observations received from the Office of the Planning Regulator, the issues raised and recommendations made by the relevant regional assembly and the National Transport Authority (in the context of planning authorities located in the Greater Dublin Area) and submissions and observations made by any other person. The report must give the response of the Chief Executive to the issues raised, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives of the government or of any minister of the government.

The members must consider the proposed variation and the Chief Executive's report **not later than 6 weeks** after receiving the report.

It is important to note that following consideration of the variation and the Chief Executive's report, where a planning authority decides not to comply with any recommendation made by the Minister, the Office of the Planning Regulator or the relevant regional assembly, it shall so inform the Office of the Planning Regulator and the Minister or regional assembly, as the case may be, by a notice in writing that must contain reasons for the decision.

Having considered the proposed variation and the Chief Executive's report, the members may, by resolution:

- 1. Refuse to make the variation.**
- 2. Make the variation with or without further modification**

*(A modification to the variation, must adhere to the following:*

- (i) may only be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,*
- (ii) shall not be made where it refers to—*
  - (I) an increase in the area of land zoned for any purpose, or*
  - (II) an addition to or deletion from the record of protected structures.)*

- 3. Make the variation with a material alteration:**

If it is resolved to make the variation with a change that constitutes a material alteration to the variation, the planning authority must review the alteration in the context of SEA and AA and determine its implications (if any) on the environment.

Not later than two weeks after the planning authority has made a determination in relation to the requirement for SEA/AA the Chief Executive shall specify such period as he or she considers necessary to facilitate any necessary assessments.

Thereafter the planning authority must publish notice of the proposed material alteration and where appropriate the circumstances in making a determination that AA/SEA is required. This notice is to be published in at least one newspaper circulating in the area and a period of **4 weeks** is allowed for public consultation and for lodgement of written submissions or observations.

## Members make the variation

As with the making of a development plan, the Act specifically states that in making the variation, **the members are restricted to considering the proper planning and sustainable development of the area** to which the development plan relates, the statutory obligations of any local authority in the area **and any relevant policies or objectives of the government or any minister of the government.**

## Variation comes into effect and notice provisions

A variation, once made, will have effect from the day that the variation is made. Once the variation is made the planning authority must publish notice of the making of the variation in at least one newspaper circulating in its area. Copies of the variation are sent to the Minister for Housing, Local Government and Heritage, the Minister for Tourism, Culture, Arts, Gaeltacht Sport and Media, the Office of the Planning Regulator, An Bord Pleanála, the relevant regional assembly and where appropriate to the prescribed bodies and any adjoining planning authorities and any local community development committee.



# Section 3

## Local Area Plans

Under Section 18(1) of the Act, a planning authority may prepare a Local Area Plan (LAP) for any particular part of its functional area.

Section 19 of the Act provides that a local area plan may be prepared in respect of any area, including a Gaeltacht area, or an existing suburb of an urban area as well as areas in need of renewal or areas likely to be subject to large scale development within the lifetime of the plan.

It is mandatory for a planning authority to make a local area plan in respect of an area which:

- (1) is designated as a town in the most recent census of population;
- (2) has a population in excess of 5,000; and
- (3) is situated in the functional area of a planning authority which is a city and county council or county council.

A planning authority must also indicate land use zoning objectives for any town or village within its functional area where the population of that town or village is between 1,500 and 5,000 persons and, in indicating the zoning objectives, the planning authority has the option of either preparing a local area plan or, alternatively, indicating such objectives in the development plan.

A local area plan must be consistent with the objectives of its development plan, its core strategy, and any relevant RSES. Each planning authority within the Greater Dublin Area shall ensure that its local area plans are consistent with the transport strategy of the National Transport Authority.

The local area plan must consist of:

- ▶ objectives for the zoning of land, or
- ▶ other objectives as may be determined by the planning authority for the proper planning and sustainable development of the area, including the objective of development of land on a phased basis and, detail on community facilities and amenities and on standards for the design of developments and structures.

Where any objective of a local area plan is no longer consistent with the objectives of a development plan, the planning authority must, as soon as may be (and not later than one year following the making of the development plan), amend the local area plan to ensure consistency with the objectives of the development plan.

### Pre-draft consultation

Under Section 20 of the Act, the planning authority must take whatever steps it considers necessary to consult with the Minister, the Office of the Planning Regulator, and the public before preparing, amending or revoking a local area plan. This can include consultation with local residents, public sector agencies, non-governmental agencies, local community groups and commercial and business interests within the area. The planning authority must also consult with Údarás na Gaeltachta before making, amending or revoking a local area plan for an area that includes a Gaeltacht area.

## Notice

The planning authority must publish notice of its intention to make, amend or revoke a local area plan in at least one newspaper circulating in the area, as well as issuing notice of the proposal to the Minister, the Office of the Planning Regulator, An Bord Pleanála and the prescribed authorities. The published notice must invite submissions and observations on the proposed plan or amendments to the plan for a **minimum period of 6 weeks**.

## Chief Executive's report

**Not later than 12 weeks** after publishing the above notice, the Chief Executive must prepare a report on the submissions and observations received and submit this to the members for their consideration. The report takes a similar format to that of the Chief Executive's report on submissions received on a draft development plan.

## Members decide to make, amend or revoke local area plan

The members must consider this report **within 6 weeks** of receipt and decide by resolution to make, amend or revoke the local area plan.

## Material Amendments (MAs)

Not later than **3 weeks** after the passing of the resolution to amend the draft local area plan, the planning authority shall publish a notice of the proposed material alteration and, where required, the determination in respect of whether SEA and AA or both is required, in at least one newspaper circulating in the area and send a copy of the notice of the proposed amendment to the Minister, the Office of the Planning Regulator, An Bord Pleanála and the prescribed authorities.

The planning authority shall publish a notice of the proposed material alteration, and where appropriate in the circumstances, the making of a determination that an SEA and/or AA is required, in at least one newspaper circulating in its area. The notice must state:

- ▶ that a copy of the proposed material alteration and of any determination by the authority that SEA and or AA is required may be inspected at a stated place or places and at stated times, and on the authority's website, during a stated period of not less than **4 weeks**, and
- ▶ that written submissions or observations with respect to the proposed material alteration or SEA and/or AA and made within a stated period shall be taken into account by the authority before the local area plan is made.

The planning authority shall carry out SEA and/or AA of the proposed material alteration of the draft local area plan within the period specified by the Chief Executive.

## Chief Executive's report on material alterations

Not later than **8 weeks** after publishing the notice of Material Alterations, the Chief Executive must prepare a report on submissions and observations received during the consultation and must furnish this report to the members for their consideration.

The report must list the persons who made submissions or observations, provide a summary of the recommendations, submissions and observations received from the Office of the Planning Regulator and submissions and observations by any other persons.

The report must detail the opinion of the Chief Executive in relation to the issues raised, and their recommendations in relation to the proposed material alteration to the draft local area plan, including any change to the proposed material alteration as they considers appropriate, taking account of:

- ▶ the proper planning and sustainable development of the area,
- ▶ the statutory obligations of any local authority in the area, and
- ▶ any relevant policies or objectives of the government or of any minister of the government.

### Members make or amend the local area plan

The elected members have a maximum of **6 weeks** to consider the Chief Executive's report in respect of the material amendments. The members must decide, by resolution of not less than half of the members of the planning authority, to make the plan with or without the proposed amendment. If the members decide to accept the amendment, they may do so subject to any 'modifications' to the amendment that they consider appropriate, whereby a further period of public consultation does not apply.

Given the importance of public participation in the making of the plan, the term 'modifications' must be interpreted carefully so that members avoid any substantial change to the proposed amendment. The Act states that a modification to a material alteration:

- ▶ may be made **where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,**
- ▶ shall **not be made** where it relates to—
  - (I) **an increase in the area of land zoned for any purpose, or**
  - (II) **an addition to or deletion from the record of protected structures.**

The Act states that in making the local area plan, **the members are restricted to considering the proper planning and sustainable development of the area** to which the local area plan relates, the statutory obligations of any local authority in the area **and any relevant policies or objectives for the time being of the Government or any Minister of the Government.**

### Local area plan operational

The local area plan becomes effective **6 weeks** following the passing of the resolution by the elected members.





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Planning Regulator

## **Office of the Planning Regulator**

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