Outlook

PLANNING IMPROVEMENT PROGRAMME – UPDATE OF DEVELOPMENT PLAN PRACTICE NOTES

From Bagnall, Suzanne
Date Tue 11/3/2026 6:32 PM
To Helen Stoops; Simon Thompson; Dermot O'Kane; Proinsias McCaughey; Louise Stewart; Sandra Adams; Roisin McAllister; Jackson, Lois; Sharon Mulhern; Maginn, Leona

Cc Conor Hughes; McGilly, Jonathan; McFerran, Kathryn; Patton, Claire; Bamford, Michelle; Campfield, Conor; McLaughlin, Billiejean

3 attachments (2 MB)
Revised DPPN-09-November 2026 PDF.pdf; Revised DPPN 10 -November 2026.pdf; Revised DPPN 11 -November 2026.pdf;

Dear all,

PLANNING IMPROVEMENT PROGRAMME – UPDATE OF DEVELOPMENT PLAN PRACTICE NOTES

As part of the Planning Improvement Programme, the review of the existing suite of Development Plan Practice Notes (DPPNs) is ongoing, incorporating the learning and best practice of the Local Development Plan process to date.

On 27 March 2026, the Department wrote to Council Local Development Plan teams inviting comments on revised draft versions of DPPN 9, 10 and 11.

- DPPN 9, Submission and Handling of Representations;
- DPPN 10, Submitting Development Plan Documents for Independent Examination; and
- DPPN 11, Receipt of Independent Examination Report and Adoption of a Development Plan Document.

Having considered the useful comments provided by Councils, the Practice Notes have been updated and we can now share final drafts with officers. Where necessary, these can be presented to Planning Committees to note ahead of publication on the Department's website in due course. Please also note that the updated Practice Notes were shared with the Planning Appeals Commission and Independent Inspectors Team for comment.

It is hoped that the updated guidance will be useful for Councils approaching key milestones of the LDP process and the Department wishes to acknowledge the continued collaboration with Councils on this and the wider Planning Improvement Programme.

Many thanks

Suzanne

Suzanne Bagnall
Deputy Director(Interim)
Regional Planning Policy & Casework
James House
2-4 Cromac Avenue
The Gasworks,
Belfast, BT7 2JA

Personal Secretary
Billiejean McLaughlin
Tel: 028 9051 5195
@

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Development Plan

Practice Note

09

Submission and Handling of Representations

Revised November 2026

Version 4

Department for Infrastructure | An Roinn Bonneagair | Depairtment fur Infrastructure

Preamble

This Development Plan Practice Note is designed to guide planning officers and others engaged in the planning system through the key requirements for the submission and handling of representations on a Development Plan Document. It deals primarily with procedures as well as good practice. It forms part of a series of 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. In this practice note, any references to sections are references to sections of the 2011 Act and any references to regulations are references to regulations of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (the LDP Regulations), unless otherwise stated.

Where appropriate this practice note will therefore highlight:

- Relevant legislation;
- Procedural guidance;
- Definitions;
- Best practice examples.

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[1] and legislation the provisions of the legislation will prevail.

[1] Please ensure you are considering the most up to date version of Development Plan Practice Note 09 on the Department's website at www.infrastructure-ni.gov.uk and the Planning Portal at www.planningni.gov.uk and the most up to date planning legislation on the UK legislation website at www.legislation.gov.uk, which is also available via the Department's website.

1.0 Introduction

1.1 This practice note focuses on the submission and handling of representations[2] related to a development plan document (DPD)[3] i.e. the Plan Strategy and Local Policies Plan. The purpose of this practice note is to provide a consistent approach for the submission and handling of representations in order to assist councils in promoting and encouraging constructive engagement with members of the public and also to facilitate the consideration of representations at the independent examination (IE)[4] stage of the Local Development Plan (LDP) process.

1.2 The submission of representations provides an opportunity for the public to influence the policies and proposals for future planning and development within the relevant council area. The Plan Strategy (PS) is the first DPD in the two-stage local development plan process. The purpose of the PS is to provide the strategic policy framework for the plan area as a whole across a range of topic areas. The Local Policies Plan (LPP) sets out local policies and site specific proposals required to deliver the strategic policies. As the LPP must be consistent with the PS, it is important to note that the ability of the public to influence changes to fundamental aspects of policy at this stage of plan making is limited. The submission of representations also aims to encourage public engagement and buy-in to the plan preparation process, which in turn helps to build consensus and promote a sense of ownership of a LDP.

2.0 Legislative context

2.1 **Section 10 of the 2011 Act** states that the council must submit every DPD to the Department for IE. However, before it does so it must make documents available for inspection as prescribed by **regulation 15 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (LDP Regulations),** to facilitate a public consultation.

[2] Representations in this DPPN can refer to representations on a development plan document (reg 16 of the LDP Regulations) or representations about a site specific policy representation (counter representations) (reg 18 of the LDP Regulations)

[3] References to a DPD in this practice note are in effect references to a draft DPD unless otherwise stated.

[4] Independent Examinations are to be carried out by the Planning Appeals Commission (PAC) or a person appointed by the Department for Infrastructure (DfI). Reference to an "Independent Examiner" in this DPPN is a collective term for the PAC or a person appointed by DfI. Refer to paragraph 2.3 of DPPN 10: Submitting Development Plan Documents for Independent Examination

2.2 **Regulations 16 and 17 of the LDP Regulations** set out the legal requirements for the public consultation and availability of representations relating to DPD.

2.3 **Regulations 18 and 19 of the LDP Regulations** set out the legal requirements for public consultation and availability of representations submitted on site specific policy representations i.e. counter representations.

2.4 Figure 1 outlines the key requirements for the submission and handling of representations to a DPD in accordance with the LDP Regulations.

3.0 Public consultation and availability of a DPD

3.1 Public consultation provides an important and useful opportunity for the public to consider the council's DPD. It also gives the local community the option of submitting written comments in relation to policies and proposals contained in the DPD.

3.2 Regulation 15 of the LDP Regulations states that the council must make available for inspection[5] a copy of the DPD, the sustainability appraisal (SA)[6] report and such supporting documents as in the opinion of the council are relevant to the preparation of the LDP. It must also issue a document containing a statement indicating the period within which representations on the DPD may be made and give notice of the address to which representations can be sent. Copies of the DPD, SA, supporting documents, statement and notice must also be sent to the consultation bodies[7]. The Department recognises the benefits of a digital approach and would be content with an approach whereby the DPD and other documents specified under Regulation 15 is made available electronically/online, with hard copies provided upon request. However, consultation processes must remain accessible, and it is appropriate that alternative methods are available to view the DPD where required.

3.3 The council must give notice in the Belfast Gazette and by local advertisement[8] of

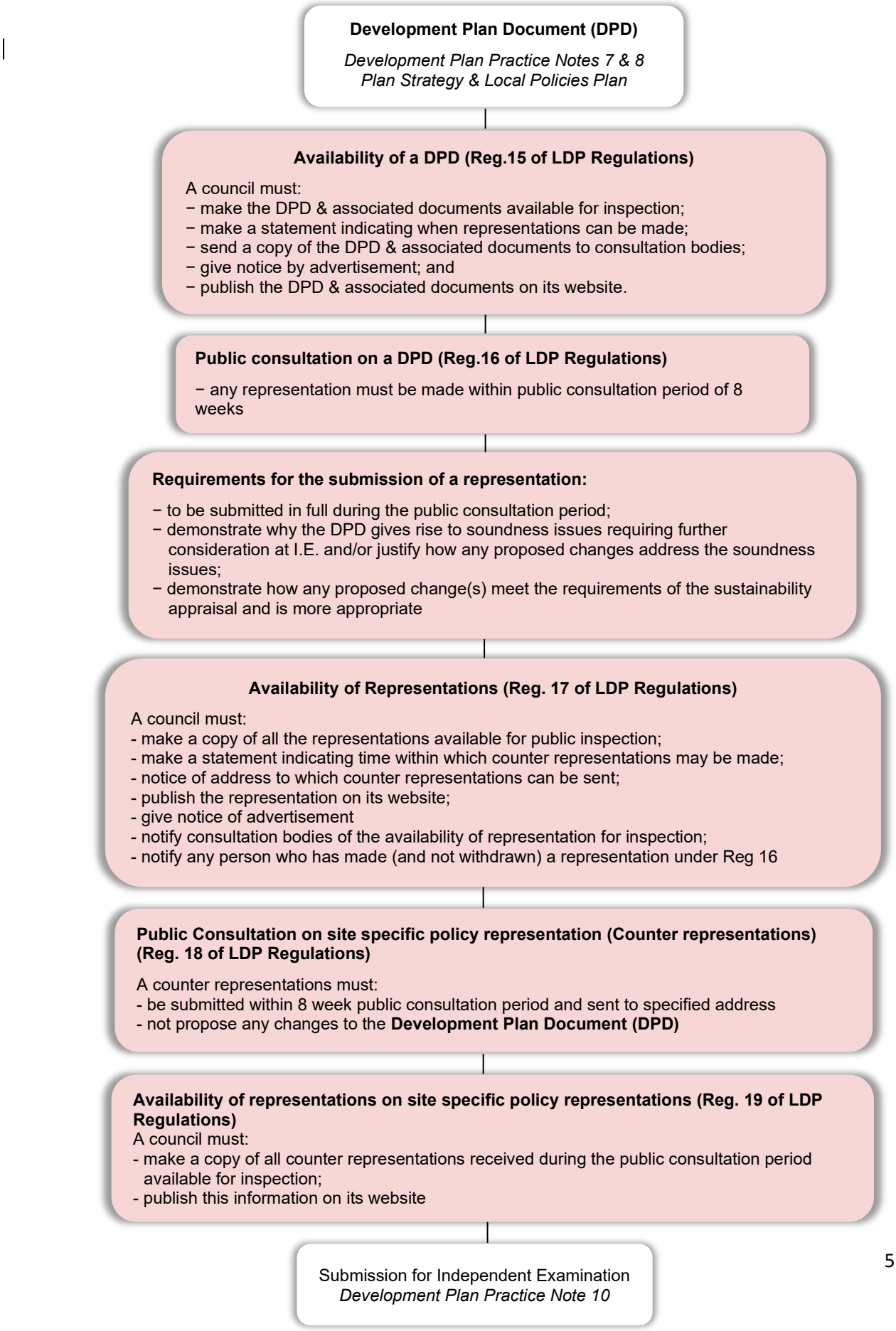
[5] Under Regulation 2 of the LDP Regulations, "inspection" means inspection by the public.
[6] Refer to paragraph 4.8 (of this document).
[7] Refer to Regulation 2 of the LDP Regulations for list of consultation bodies.
[8] Under Regulation 2 of the LDP Regulations, "local advertisement" means an advertisement for two successive weeks in at least one newspaper circulating in the district of the council.

the availability of the titled DPD, together with a statement of the fact that the DPD is available for inspection and the places and times at which it can be inspected. The council may also wish to make reference to the availability for inspection of the SA and the places and times at which it can be inspected. The council must publish the DPD, supporting documents and notice (of the address to which representations can be sent) on its website.

3.4 Regulation 16 of the LDP Regulations states that any person may make representations about a DPD. Any such representation must be submitted within the public consultation period of 8 weeks and sent to the address specified by the relevant council. Regulation 16(2) states that any representations must be made within a period of 8 weeks starting on the day the council complies with regulation 15(d). That is, giving notice in the Belfast Gazette **and** by local advertisement (an advertisement for two successive weeks in at least one newspaper circulating in the district of the council) in relation to the availability for inspection of the DPD and the places and times it can be inspected. Councils must ensure that upon advertisement that they are explicitly clear on consultation timeframes.

3.5 Regarding the submission of 'late representations', regulation 17(2) of the LDP Regulations states that the council 'need not' comply with the requirement to make representations available for inspection if they have not been submitted within the specified period. It will be a matter for each council to determine if, or how, such representations should be considered. The Council should ensure it is satisfied that all relevant legislative requirements have been fully complied with. Responsibility for the management of late representations rests with the Council and should be in line with its consultation procedures. This should be done on a transparent and consistent basis, with clear communication.

Figure 1: Key requirements for the submission and handling of representations to a development plan document



4.0 Requirements for the submission of a representation and counter representation

4.1 In order to help eliminate the potential submission of unsubstantiated and speculative representations, and in terms of good practice, the council is encouraged to set out requirements for the submission of representations in a guidance document or cover note in order to facilitate the management and consideration of all representations submitted on a DPD.

4.2 Requirements for the submission of representations should encourage more comprehensive and relevant feedback from the public to help facilitate more effective engagement and appropriate consideration of issues raised by ensuring that consideration is given to the implications of any proposed changes to the DPD. Consequently, this should help to shorten the length of the IE and lead to a speedier delivery and adoption of a DPD.

4.3 Recognising ongoing advances in digital technology, those participating in the Local Development Plan process may use digital tools, including Artificial Intelligence (AI), to support engagement, information management, document preparation, analysis and the submission or consideration of representations. For reasons of transparency, the use of AI-generated representations should be clearly disclosed. If any supporting material is provided via hyperlinks. representations should not rely on these alone and must clearly articulate the soundness issues within the submission itself. AI-generated representations will be treated in the same manner as non-AI-generated submissions and afforded equal consideration.

4.4 Councils should ensure that the use of digital engagement platforms and associated technologies complies with the requirements of the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018, and should seek advice from their Data Protection Officer or relevant data governance lead where appropriate.

<u>Representation/counter representation[9] submission should be submitted in full</u>

4.5 Any representation submitted to the council within the specified 8 week public consultation period should be submitted in full. This requirement will help to

[9] A counter representation may only be made about a site specific policy representation. Refer to section 8.0 of this document.

enhance the quality and efficiency of the decision-making process as it will enable all information to be considered by all parties involved from the outset to help ensure a fairer, more comprehensive and thorough debate[10] of issues at IE. It should also prevent delay as the council should not need to seek further information or clarification from those who submitted representations. It is important to note that there will be no further opportunity to submit additional information, unless requested to do so by the independent examiner.

Representation/counter representation should demonstrate soundness

4.6 Soundness involves testing the principles, content and preparation processes of the DPD against a list of key agreed criteria. The tests of soundness are based upon three categories which relate to how the DPD has been produced, the alignment of the DPD with central government regional plans, policy and guidance, and the coherence, consistency and effectiveness of the content of the DPD.

4.7 As the main purpose of the IE is to determine whether the DPD is 'sound', any person(s) wishing to make a representation proposing a change to any part of a DPD should do so on the grounds of soundness[11]. If that person considers that the DPD gives rise to soundness issues requiring further consideration at Independent Examination, those issues (stating the exact paragraph, policy etc.) and the corresponding test(s) of soundness should be set out, having regard to DPPN 6.The representation must include details on the proposed change as well as provide evidence to justify the change in terms of the tests of soundness.

Representation/counter representation should demonstrate how it meets the requirements of sustainability appraisal

4.8 A representation seeking a change to the DPD should indicate how the proposed change(s) meet the requirements of the sustainability appraisal[12] and demonstrate how their proposed alternative is more appropriate in meeting the sustainability

[10] Under section 10(7) of the 2011 Act, "Any person who makes representations seeking to change a development plan document must (if that person so requests) be given the opportunity to appear before and be heard by the person carrying out the examination." This 'right' to appear and be heard applies to a person who has made a representation seeking to change a development plan document but does not apply to a person who has made a counter representation. However, an independent examiner may invite anyone to appear before and be heard at the examination if it is believed that a person's oral evidence is likely to assist in determining the soundness and sustainability of a DPD.

[11] Development Plan Practice Note 6: Soundness.

[12] Development Plan Practice Note 4: Sustainability Appraisal incorporating Strategic Environmental Assessment.

objectives of the DPD. SA is a concept which involves assessing the social and economic effects of development plans in addition to environmental effects. SA covers the requirements of the SEA Directive[13] as well as a wide range of sustainable development issues.

5.0 Use of standard forms for the submission of representations and counter representations

5.1 In order to ensure consistency of approach, anyone making representations to a DPD, or counter representations to site specific policy representations, should be encouraged to do so using a standard form. Councils have the discretion to request representations to be submitted using a prescribed form. Nevertheless, in the interests of equality, accessibility and inclusivity, councils may accept representations submitted through an alternative format where a valid reason for doing so has been demonstrated. An example form for the submission of a representation and counter representation is provided at Annex A and B, respectively.

5.2 Councils may utilise digital community engagement platforms to support the efficient collation and management of representations, where appropriate. There is a range of tools available and councils should ensure that their use complies with relevant data protection, accessibility, and individual council information governance requirements. Such platforms should be used in a manner that ensures transparency, consistency and auditability in the recording and analysis of representations.

5.3 The council may wish to prepare an accompanying explanatory cover note in relation to the requirements for the submission of representations as set out in section 4.0. In particular, it may be helpful to provide some information on the tests of soundness to assist in the completion of the form. The council may also wish to make copies of its standard form available at its principal council offices and such other places within the council district as the council considers appropriate and its

[13] Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

website.

5.4 Every effort should be made when submitting a representation to ensure that forms submitted are fully completed, particularly as there will be no further opportunity to add to or expand on a representation once submitted, unless requested to do so by the appointed independent examiner. Any person who makes representations seeking to change a DPD must (if that person so requests) be given the opportunity to appear before and be heard by the person carrying out the examination. Detailed procedures for the IE are within the remit of the appointed independent examiner.

5.5 The Department recognises and supports the use of a digital approach e.g. online portals, in supporting the submission and management of representations where possible. However, consultation processes must remain accessible and councils need to be satisfied that the approach complies with legislation and that alternative submission methods (i.e. hard copies) are available where required.

6.0 Availability of representations on a DPD

6.1 Regulation 17 of the LDP Regulations sets out the requirements for the availability for inspection of representations received during the specified public consultation period on a DPD.

6.2 As soon as reasonably practicable after the expiry of the 8 week public consultation period, the council must make a copy of all the representations received during the public consultation period, as referred to in regulation 16(2), available for inspection at its principal council office and any other place within the district that the council considers appropriate, as well as a document containing a statement indicating the time within which counter representations may be made and a notice of the address to which counter representations can be sent. Furthermore, the council must publish the representations on its website and give notice in the Belfast Gazette and by local advertisement of the fact that representations are available for inspection and the places and times at which they can be inspected. The council may wish to make reference in the Belfast Gazette and by local advertisement and on its website to the statement and notice. The Department recognises the benefits of a digital approach and would be content with an

approach whereby representations on a DPD are made available electronically for inspection, with hard copies provided upon request. However, processes must remain accessible, and it is appropriate that alternative methods are available where required.

6.3 The council must also notify the consultation bodies and any person who has made (and not withdrawn) a representation in accordance with regulation 16 of the LDP Regulations of the fact that representations are available for inspection and the places and times at which they can be inspected.

6.4 Although all representations which have been received during the public consultation period must be made available for inspection, the council may wish to attach a hyperlink to where all representations received can be viewed online. It may also wish, at this stage, to identify those representations in support and those which seek a change to the DPD. This exercise may help to satisfy the requirements of regulation 18 of the LDP Regulations in relation to the receipt of counter representations on site specific policy representations,[14] i.e. those representations seeking a change to the DPD.

6.5 Regarding the submission of 'late representations', regulation 17(2) of the LDP Regulations states that the council 'need not' comply with the requirement to make representations available for inspection if they have not been submitted within the specified period. It will be a matter for each council to determine if, or how, such representations should be considered. The Council should ensure it is satisfied that all relevant legislative requirements have been fully complied with. Responsibility for the management of late representations rests with the Council and should be in line with its consultation procedures. This should be done on a transparent and consistent basis, with clear communication.

7.0 Representations on a site specific policy representation (counter representations)

7.1 Regulation 2 of the LDP Regulations states:

[14] Refer to paragraph 7.1 (of this document).

"site specific policy" means a policy in a development plan document which identifies a site for a particular use or development.

"site specific policy representation" means any representation which seeks to change a development plan document by-

(a) adding a site specific policy to the development plan document; or

(b) altering or deleting any site specific policy in the development plan document.

7.2 Regulations 18 and 19 set out the requirements for the submission and availability of counter representations. A counter representation provides an opportunity for public consultation on site specific policy representations and allows them to respond to these representations if they wish.

8.0 Public consultation on site specific policy representations (counter representations)

8.1 Regulation 18 of the LDP Regulations states:

(1) any person may make representations about a site specific policy representation (counter representations).

(2) counter representations must be:

(i) made within a period of 8 weeks starting on the day the council complies with regulation 17(1)(a); and

(ii) sent to the address specified in regulation 17(1)(a)(iii).

(3) counter representations must not propose any changes to the development plan document.

8.2 This period is intended to allow for the receipt of counter representations on site specific policy representations, submitted during the original public consultation period. It is not a further opportunity to submit new representations or propose

additional changes to the DPD. Counter representations should therefore be confined to the issues raised in an existing site-specific policy representation and clearly set out the reasons for challenging that representation in terms of the soundness and sustainability of the DPD. Proposals for alternative sites, new issues, proposing any other change to the DPD, or representations that express support for a site specific policy representation should not be considered, as such matters should have been raised during the original public consultation period on the DPD.

9.0 Availability of representation on a site specific policy representation (counter representation)

9.1 Under regulation 19 of the LDP Regulations, any counter representation received must be made available for inspection by the council as soon as reasonably practicable after the end of the 8 week public consultation period (as referred to in regulation 18(2)(a). The council is required to make a copy of counter representations available for inspection during normal office hours at its principal office, and such other places within the district as the council considers appropriate; and publish this information on its website.

9.2 Regarding the submission of 'late counter representations', regulation 19(2) of the LDP Regulations states that the council 'need not' comply with the requirement to make counter representations available for inspection if they have not been submitted within the specified period. It will be a matter for each council to determine if, or how, such counter representations should be considered.The Council should ensure it is satisfied that all relevant legislative requirements have been fully complied with. Responsibility for the management of late counter representations rests with the Council and should be in line with its consultation procedures. This should be done on a transparent and consistent basis, with clear communication.

10.0 Handling of representations and counter representations

10.1 It is important that appropriate arrangements are set up to facilitate the management and consideration of representations. If the council has provided a standard or example form for the submission of representations and counter representations respectively, then this should help it to not only focus on the type and nature of information required but also provide a consistent format to facilitate the subsequent organisation and management of information received. If a representation has been made without using a standard or example form, or without completing it in full, then the council is advised to classify the representation by paragraph, policy, proposals map, site location and soundness test number and to identify any changes being sought to the DPD before submitting it to the Department for IE. Likewise, if a counter representation has been made without using a standard or example form, or without completing it in full, the council would be advised to supply the reference number of the representation to which the counter representation relates before submitting it to the Department for IE.

10.2 Representations and counter representations made in accordance with 16(2) and 18(2)must be considered before a council submits a DPD to the Department for IE (regulation 20(1) of the LDP Regulations). It is important that representations and counter representations should be carefully analysed in order to avoid the potential for misunderstandings and mistakes during the IE. To meet the demands of analysis and consideration the council is advised to set up a database to manage the information received and keep a record of its correspondence between persons who have submitted representations and counter representations (including the receipt of duplicate representations by email and hard copy), relevant consultation bodies, and any other person(s) involved in the process. The Department recognises the efficiency of using an electronic database to manage representations.

10.3 Where a database is set up it is recommended that it includes the information listed in Annex C. It would be advantageous for a database to be structured so that the reporting output of representations is capable of being listed in a variety of ways, including by person who made a representation, soundness test order, policy order and paragraph order, and so that counter representations can be linked to

representations and vice versa. It would also be advantageous for the database information to be presented in the form of a spreadsheet (electronic), with no in-built macros or formulae, and be capable of being copied, filtered and modified. It is important to note that the independent examiner holding the IE may have particular requirements as to how representations and counter representations should be managed, categorised and presented before they are submitted to the Department. It is recommended that the spreadsheet (electronic) be submitted to the Department along with the relevant DPD and the other documents. Councils should ensure that the use of AI tools in processing of representations is in line and complies with the requirements of their internal governance procedures and arrangements.

10.4 An accurate and comprehensive database would also help to facilitate the council's consideration of issues raised and help to meet the requirements of regulation 20 of the LDP Regulations in relation to the submission of the DPD for independent examination. In particular, regulation 20(2)(g)(i) of the LDP Regulations requires the council to prepare a statement setting out the number and a summary of the main issues raised in representations and counter representations submitted in accordance with regulation 16(2) and regulation 18(2) of the LDP Regulations, respectively. Under regulation 20(2)(g)(ii), the statement should also set out were no such representations were made.

10.5 It is important to make clear ahead of the IE stage, that as well as the submission of representations and counter representations to the Department for IE in accordance with regulation 20(2)(h), the council must also submit such supporting documents as in the opinion of the council are relevant to the preparation of the DPD in accordance with under regulation 20(2)(i). This would include topic papers and rebuttal evidence that the council wants to have considered at the IE. When the Department causes an IE to be carried out in relation to a DPD, the independent examiner must be in possession of all the documents required under regulation 20(2), which includes representations, counter representations and the council's supporting documents. The Department recognises the benefits of a digital approach in supporting the efficient management of the LDP process including the submission of documents for independent examination. However, processes must remain accessible, and it is appropriate that alternative submission

and viewing methods are available where required. No further information/evidence will be considered during the IE unless it is specifically requested by the independent examiner [15].

10.6 Following the council's consideration of representations and counter representations and as set out in DPPN 10, council may use non statutory focussed changes where it wishes to amend the DPD to take account of issues raised prior to its submission for IE. The council must remain satisfied under section 10(2) of the Planning Act (Northern Ireland) 2011 that the complete DPD, including any focussed changes is ready of independent examination and meets all other statutory requirements. This should help to reduce the potential for any unforeseen issues which need to be addressed at such a late stage of the DPD process.[16]

10.7 However, in instances where the council considers the DPD to be fundamentally unsound and cannot be amended, it should withdraw it in accordance with section 11 of the 2011 Act and regulation 23 of the LDP Regulations prior to its submission for independent examination. Following this and depending upon the nature of the issues, the council must amend the DPD and repeat the relevant statutory requirements as set out in the 2011 Act and LDP Regulations.

11.0 Statement of Community Involvement (SCI)

11.1 As well as complying with the legislative requirements for representations for a DPD, the council must comply with any provisions contained within its own SCI in relation to the involvement of the community in the preparation of a LDP.

12.0 Timetable

12.1 Under **section 7(1) of the 2011 Act** the council must keep under review the

[15] Refer to paragraphs 4.7 and 5.4, Part 6 of Example Form for the Submission of a Representation at Annex A and Part 5 of Example Form for Submission of a Counter Representation at Annex B (of this document).
[16] To be read alongside DPPN 10 'Development Plan Practice Note: Submitting Development Plan Documents for Independent Examination'

timetable for the preparation and adoption of its LDP. The council should consider progress made in relation to the timetable and any revision is provided for under regulation 7(5) of the LDP Regulations.

Annex A[17]

Example Form for the Submission of a Representation to a Development Plan Document

Council Logo	**Local Development Plan** **Representation Form** **(Plan Strategy or Local Polices Plan)** *(delete where appropriate)*	Ref: Date Received: (for official use only)

Name of the Development Plan Document (DPD) to which this representation relates

Please return completed form to XXXX by Time/Date/Year

Please complete separate form for each representation

SECTION A

1. Personal Details		2. Agent Details (if applicable)
Title		
First Name		
Last Name		
Job Title (where relevant)		
Organisation (where relevant)		
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		

[17] Please refer to Paragraph 5.2 of this DPPN, which recognises that councils may utilise digital community engagement platforms to support community engagement and facilitate the receipt and collation of representation responses.

E-mail Address _____

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

(i) Paragraph _____

(ii) Policy _____

(iii) Proposals Map _____

(iv) Site Location _____

4. If you consider that the DPD **gives rise** to soundness issues requiring further consideration at Independent Examination, please set out those issues and indicate which test(s) of soundness that issue relates to, having regard to DPPN 6. Please be as precise as possible [18]:

_____

_____

_____

_____

_____

5. If you consider the DPD **does not give rise** to soundness issues requiring further consideration at Independent Examination and wish to support the DPD, please set out your comments below:

(Continue on a separate sheet if necessary)

[18] Development Plan Practice Note 6: Soundness

6. If you consider that the DPD gives rise to soundness issues requiring further consideration at Independent Examination, please provide details of what change(s) you consider necessary to address the soundness issues.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission.[19] **There will not be a subsequent opportunity to make a further submission based on your original representation**. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

(Continue on a separate sheet if necessary)

7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation ☐ Oral Hearing ☐

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature: Date:

[19] Councils may require representors to provide a concise summary of any supporting information, within an appropriate character limit, to facilitate the efficient administration, assessment and review of submissions and to promote clarity and consistency in the handling of representations.

Annex B

Example Form for the Submission of a Counter Representation

Council Logo	**Local Development Plan (LDP)** **Counter Representation Form** **Plan Strategy/Local Polices Plan** *(delete where appropriate)*	Ref: Date Received: (for official use only)

Name of the Development Plan Document (DPD) to which this counter representation relates

Please return completed form to XXXX by Time/Date/Year

Please complete separate form for each counter representation

SECTION A

	1. Personal Details	2. Agent Details (if applicable)
Title		
First Name		
Last Name		
Job Title (where relevant)		
Organisation (where relevant)		
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
E-mail Address		

3(a) Have you submitted a representation to the council regarding this development plan document?

Yes ☐ No ☐

3(b) If yes, please provide Reference No. and summary of issue raised in your representation.

Counter Representation

Any person may make a counter representation in relation to a representation seeking a change to a DPD. The purpose of a counter representation is to provide an opportunity to respond to proposed changes to the DPD as a result of representations submitted under Reg 15 and 16 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

A counter representation must not propose any further changes to a DPD.

4. Please provide the reference number of the representation to which your counter representation relates to.

5. Please give reasons for your counter representation having particular regard to the soundness test identified in the above representation.

   Please note your counter representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission.[20] **There will not be a subsequent opportunity to make any further submissions based on your original counter representation**. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

[20] Councils may require representors to provide a concise summary of any supporting information, within an appropriate character limit, to facilitate the efficient administration, assessment and review of submissions and to promote clarity and consistency in the handling of counter representations.

(Continue on a separate sheet if necessary)

Signature: Date:

ANNEX C

List of representation information for database

Where a council sets up a database to manage representations, it is recommended that it includes the following information:

(a) Name of Local Development Plan

(b) Name of Development Plan Document (Plan Strategy or Local Policies Plan)

(c) Representation reference number

(d) Date representation received

(e) Name of person making representation

(f) Address of person making representation

(g) Contact details for person making representation

(h) Name of agent *(if any)*

(i) Address of agent

(j) Contact details for agent

(k) Plan paragraph

(l) Plan policy

(m) Plan proposals map

(n) Site location

(o) Soundness test number

(p) Soundness issue raised

(q) Cross reference to relevant counter representations

All of the above listed information items can be drawn from the Example Form for the Submission of a Representation to Development Plan at Annex A.

It would be advisable for the database to be capable of including counter representation information in a similar way to representations and be cross referenced to them, and such information can be drawn from the Example Form for the Submission of a Counter Representation to Development Plan at Annex B.

DPPN 9 Review – Schedule of Changes

Page Number	Paragraph Number	Summary of change
Cover page	N/A	Revised date and version number
Page 1	N/A	Updated preamble text and footnotes with links to the relevant legislation
Page 2	1.1	Removal of text which repeats legislative context set out in later section. Added explanation of constituent parts of a Local Development Plan (LDP).
Page 2	1.2	Paragraph renumbered and insertion of rationale for updates to DPPN including changes made to NICS Departments and legislation and lessons learned.
Page 2	1.3	Paragraph renumbered and correction of typographical error. Addition of explanation of Departmental (DfI) Independent Examiners.
Page 2	1.4	Paragraph renumbered and explanation that the ability to influence policies and proposals will be dependent upon the stage of the LDP process. Elaboration provided given that the document may be used by the public to guide the submission of representations. Paragraph renumbered and explanation of stages of the LDP process (Plan Strategy vs Local Policies Plan) and what each stage entails. Discussion also of representations.
Page 2	N/A	Updated footnote with the correction of grammatical errors and inclusion of Appointed Persons in addition to the PAC.

Page Number	Paragraph Number	Summary of change
Page 1	N/A	Updated footnote clarifying that references to the Department (which refers to the Department for Infrastructure). Footnote inserted to clarify definition of 'Independent Examiner'.
Page 2	2.1	Restructuring of sentence
Page 3	2.4	Changed 'development plan document' to DPD
Page 3	3.1	Inclusion of word and removal of text to ensure that documents can be inspected by those with impairments or little or no digital connectivity.
Page 3	3.2	Additional section added regarding 'digital' approach to DPD and representations/counter representations.
Page 3/4	3.3	Paragraph added. Wording amended regarding availability/publishing of DPD and supporting documents online.
Page 4	3.4	Paragraph renumbered and wording amended to clarify beginning of 8-week consultation period.
Page 4	3.5	Paragraph renumbered. Wording changed to clarify process of processing late representations/counter representations.
Page 5	N/A	Flow-chart updated/amended
Page 6	4.1	Change in emphasis. Reference to cover note in addition to guidance document.
Page 6	4.3	Comprehensive guidance added regarding the use of digital technology and Artificial Intelligence (AI) in the preparation and submission of representations, including transparency requirements and consideration of AI-generated submissions.

Page Number	Paragraph Number	Summary of change
Page 6	4.4	Additional guidance included regarding hyperlinks, digital supporting evidence and electronic material submitted in support of representations. Clarifies how such material should be considered and managed. Expanded guidance regarding Data Protection, GDPR compliance, governance arrangements and the management of personal information.
Page 6/7	4.5	Paragraph Renumbered
Page 7	4.6	Paragraph renumbered and expansion of definition of soundness tests.
Page 7	4.7	Paragraph renumbered and wording amended slightly around soundness/representations.
Page 7/8	4.8	Paragraph renumbered. Correction of grammatical and typographical errors and addition of 'Sustainability Appraisal' in full before abbreviation (SA).
Page 7	N/A	Updated footnotes with reference to Independent Examiner, change in emphasis and correction of grammatical errors
Page 8	5.1	Change to guidance around 'alternative submission forms' – wording amended accordingly.
Page 8	5.2	Additional explanatory text inserted regarding acceptance, validation and management of electronically submitted representations and the use of digital systems in the representation process.
Page 8/9	5.3	Renumbering of paragraph. Insertion of details surrounding explanatory cover note.
Page 9	5.4	New paragraph inserted regarding submitting of forms for representations being submitted in **complete** form. Discussion also of DPD process and IE process.

Page Number	Paragraph Number	Summary of change
Page 9	5.5	New paragraph inserted regarding the use of digital submissions where possible and requirement to provide 'hard copies' upon request, in compliance with legislation.
Page 9	6.2	Changed from 6.1. Additional guidance added regarding publication and management of representations through electronic systems and digital consultation platforms.
Page 10	6.4	Recommendation that councils may wish to indicate a hyperlink, which allows all representations to be viewed online.
Page 11	7.2	Removal of word
Page 11	8.1	Correction of grammatical error
Page 11/12	8.2	Combined 8.2 & 8.3. Rewording and restructuring of guidance around site specific representations.
Page 12	9.2	Clarification that it will be a matter for each council to determine how late counter representations should be considered, whilst ensuring compliance with legislation.
Page 13	10.1	Correction of grammatical error and removal of some clauses and restructuring of paragraph.
Page 13	10.2	Change in emphasis. Additional reference to 16(2) and 18(2) and removal of some words. Guidance expanded to include use of electronic databases, digital record management, duplicate submissions and improved administrative efficiency.
Page 13	10.3	Overview of requirements as to how representations and counter representations should be managed, categorised and presented before they are submitted to the Department. Addition of section around 'independent examiner' and IEs. Additional guidance around use of AI tools for processing of representations.

Page Number	Paragraph Number	Summary of change
Page 14	10.4	Inclusion of reference to Regulation 20(2)(g)(ii).
Page 14/15	10.5	Guidance expanded regarding digital submission and publication of Independent Examination documentation, electronic access arrangements and accessibility considerations.
Page 15	10.6	Inclusion of 'focussed changes' and reference to DPPN 10.
Page 15	11.1	Correction of typographical error
Page 15	N/A	Inclusion of footnote referring reader to DPPN 10
Page 16	12.1	Correction of typographical error
Page 17	Annex A	Inclusion of references to appointed person and correction of typographical errors. Change title of Annex A form to "Example Form".
Page 17	N/A	Inclusion of footnote referring reader to Paragraph 5.2 of DPPN 9 regarding digital community engagement.
Page 18	Annex A	Correction of typographical errors
Page 19	Annex A	Combined question 4(a) & 4(b) into question 4 and reworded question.
Page 19	Annex A	Rewording of question 5.
Page 19	N/A	Addition of footnote referring reader to DPPN 6: Soundness
Page 20	Annex B	Correction of typographical errors
Page 20	N/A	Insertion of footnote 19 – requirement to provide a concise summary.
Page 22	N/A	Insertion of footnote 20 – requirement to provide a concise summary.
Page 24	Annex C	Removal of (p) 'Consider DPD to be sound or unsound' from 'List of Representation for database'
Page 25	Backpage	Removal of logos and updated address

Department for Infrastructure
James House
2 - 4 Cromac Avenue
Belfast
BT7 2JA

Development Plan

Practice Note

10

Submitting Development Plan Documents for Independent Examination

Revised November 2026

Version 2

Department for Infrastructure | An Roinn Bonneagair | Depairtment fur Infrastructure

Preamble

This Development Plan Practice Note (DPPN) is designed to guide planning officers, and others engaged in the planning system, through the key requirements for the submission of a Development Plan Document (DPD) to the Department[1] to cause an Independent Examination (IE). It deals primarily with procedures as well as good practice. It forms part of a series of 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. In this practice note, any references to sections are references to sections of the 2011 Act and any references to regulations are references to regulations of the **Planning (Local Development Plan) Regulations (Northern Ireland) 2015** (the LDP Regulations), unless otherwise stated.

Where appropriate, this practice note will therefore highlight:

- Relevant legislation;
- Procedural guidance;
- Definitions;
- Best practice examples

This guidance is not intended to replace the need for judgement by planning officers 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[2] and legislation, the provisions of the legislation will prevail.

[1] Department means the Department for Infrastructure unless otherwise stated. The Department for Infrastructure came into being on 8 May 2016 and the Department of the Environment was dissolved in accordance with the Departments Act (Northern Ireland) 2016 and The Departments (2016 Act) (Commencement) Order (Northern Ireland) 2016.

[2] Please ensure you are considering the most up to date version of Development Plan Practice Note 10 on the Department's

website at www.infrastructure-ni.gov.uk and the Planning Portal at www.planningni.gov.uk and the most up to date planning legislation on the UK legislation website at www.legislation.gov.uk, which is also available via the Department's website.

1. Introduction

1.1. This practice note focuses on the key legislative requirements for the submission of a DPD by a council to the Department for IE, which is carried out by an independent examiner. It covers requirements for the availability of submission documents and the publicity of the IE. Detailed procedures for the IE are the remit of the appointed independent examiner and are not covered within this practice note. This practice note aims to ensure a consistent approach is undertaken in relation to the procedural and information requirements which are necessary for an effective and efficient process.

1.2. After a DPD, (Plan Strategy (PS) or Local Policies Plan (LPP)), is published and before it can be adopted it must undergo an IE. The PS is initially subject to IE and then adopted, then later in the plan preparation process the LPP is subject to independent examination and then adopted. When both the PS and LPP have been adopted they together comprise the LDP for a given council area.

2. Legislative context

2.1. In undertaking its oversight role, the Department always has regard to its section 1 duty in relation to the co-ordination of policy prepared by councils. The duty on the Department under section 1 of the Act is to "formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development". Section 1 also requires the Department to ensure such policy is in general conformity with the Regional Development Strategy (RDS). As the planning of development is implemented primarily through LDPs prepared by local councils, in a plan led system, the Department's co-ordination duty extends to ensuring the policies in a LDP are in general conformity with the strategic direction established by the RDS. The Department must also exercise its section 1 duty with the objective of furthering sustainable development and promoting or improving well-being.

2.2. **Part 2 of the 2011 Act** sets out the general requirements for local development plans. Section 10 deals with the IE of the DPD, both the PS and LPP. A council must submit every DPD to the Department to cause an IE. In particular, section 10(2)(b) states that a council must not submit a DPD to the Department unless it

considers that the document is ready for IE. Therefore, a council should consider whether the document is ready to be tested for soundness and if it satisfies the requirements relating to the preparation of the DPD. Failure of a council to satisfy itself as to a DPD's readiness for IE may ultimately result in the document being found unsound at IE.

2.3. In accordance with section 10(4) the Department must cause an IE to be carried out by the Planning Appeals Commission (PAC) or a person appointed, herein referred to (unless specifically stated) as 'the independent examiner', unless it intends to make a direction under section 11(2) or 15(1) to direct the council to withdraw or modify a DPD, respectively. Under section 10(5), the Department must not appoint a person other than the PAC, to carry out an IE unless, having regard to the timetable prepared by the council under section 7(1), the Department considers it expedient to do so. To facilitate the appointment of a person other than the PAC, where permitted under section 10(5), the Department has established a list of independent inspectors from which an independent examiner may be appointed to undertake an IE.

2.4. An IE is a public examination of a DPD that is commenced, conducted and concluded by an independent examiner. Section 10(6) states that the purpose of the IE is to determine, in respect of the DPD:

- whether it satisfies the requirements of sections 7 (Preparation of timetable) and 8 (Plan Strategy) or, as the case maybe, sections 7 (Preparation of timetable) and 9 (Local Policies Plan), and any regulations under section 22 (Regulations) relating to the preparation of DPDs; and

- whether it is sound.

2.5. Regulations 20-22 set out the requirements for the submission of documents for IE, the availability of submission documents and the publicity of the IE. Section 6 and section 7 of this document will set out further detail on these documents.

2.6. It is a statutory requirement that the PS (section 8(4)(a)) and LPP (section 9 (4)(a)) must be prepared in accordance with the plan timetable. Regulation 6 requires the council to include indicative dates for each stage of the preparation of the local

development plan 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 for the preferred options paper (POP) and the DPDs as well as accompanying documents such as the Sustainability Appraisal (SA) including Strategic Environmental Assessment (SEA).

2.7. It is a statutory requirement that the PS (section 8(4)(b)) and LPP (section 9(4)(b)) must be prepared in accordance with the council's Statement of Community Involvement (SCI). The preparation of the LDP commences with the publication of the council's POP followed by the preparation and adoption of the PS and LPP, respectively.

3. How a DPD progresses from the representation stage to submission to the Department

3.1. Regulation 20(1) requires that once the DPD has been published council must consider representations and counter representations made under regulation 16 and as the case may be, regulation 18.

3.2. The council must endeavour to prepare a sound DPD in the first instance, as set out in sections 8 or 9, and also Part 4 of the LDP Regulations. These legislative requirements set out the process and the form and content of the DPD. Further advice in relation to taking account of relevant policies and strategies, preparation of a robust evidence base, and involving stakeholders and the community can be found within the suite of DPPNs.

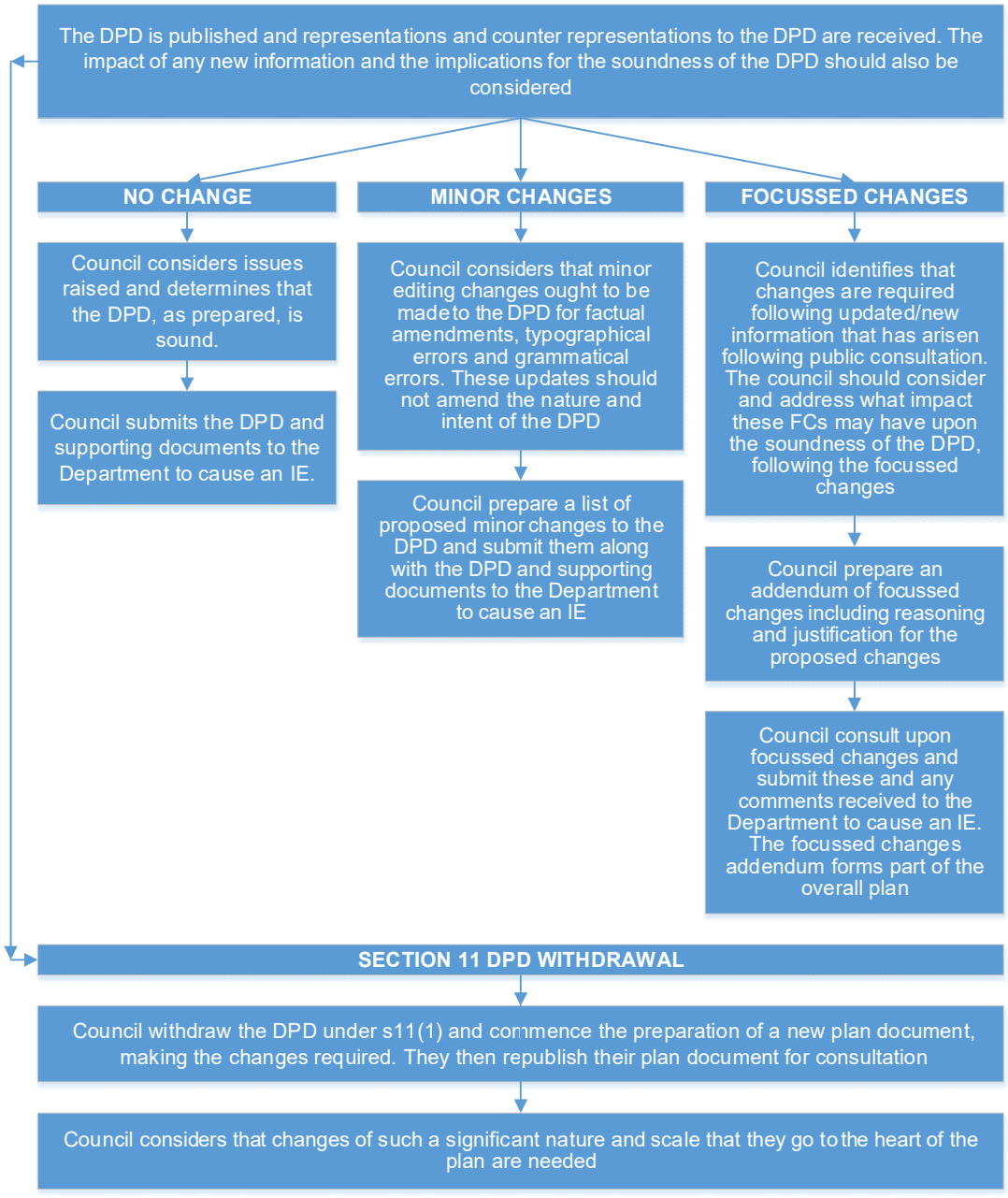
3.3. Following receipt of representations to the DPD, the council will consider the issues raised and determine whether there will be:

- **NO CHANGE** - Determines that the DPD as prepared is sound and does not need to be changed.
- **MINOR CHANGES** - Notes the issues and whilst determines that the DPD as prepared is sound, proposes minor changes that could be acceptable, which would not impact upon the soundness of the DPD.
- **FOCUSSED CHANGES** - as a response to issues raised considers that

changes are required. A council should consider implications to ensure that any impact upon the soundness of the DPD is addressed.

- **SECTION 11 DPD WITHDRAWAL -** In exceptional circumstances where a council considers that issues raised cannot be addressed using focussed changes and that the issues go to the heart of the plan.

Figure 1 – Indicative Illustration of How a DPD Progresses from the Representation Stage to Submission of a DPD to the Department.



4. Council preparation for submission

4.1. **No change** – A council determines that the DPD as prepared is sound. However, the Council may wish to submit supporting information to substantiate the position.

4.2. **Minor Changes** - As part of a council's submission to the Department, a list of proposed minor changes to the DPD may be submitted that have not been subject to consultation. These minor changes include any presentational or factual amendments, typographical errors and grammatical errors and should not amend the nature and intent of the DPD. They are not related to soundness and as such may not be considered at IE. These changes should be listed as a separate list to accompany the DPD when submitted for examination. The council should be mindful when determining whether a change is minor or whether it ought to be incorporated as a focussed change. If this decision is finely balanced, then a cautious approach is advised in relation to consultation.

4.3. **Focussed Changes** – Following the consultation exercise, a council will consider the DPD, and any issues raised, which may include new information such as a change in local circumstances, or where new regional planning policy and/or guidance has been introduced. Subsequently, the council may need to consider the cumulative impact of the range of issues raised and identify any unforeseen soundness issue in part of the plan. The council should then decide if the DPD as prepared is ready for IE, or whether they should consider making focussed changes. These should be presented in the form of an addendum to the DPD. and called "Focussed Changes" and include reasoning and justification for the proposed amendments and should be considered part of the whole plan document to be examined at IE.

4.4. It should be noted that the introduction of focussed changes at this stage does not infer that the entire plan is unsound but rather that the council wishes to make reasoned amendments to specific policies. The council should consider the implications of any amendments and their impact on the soundness of the DPD, the integrated SA process and other supporting assessments. The council may decide, for example, to revisit the evidence base or engage with the relevant parties to determine how to address the issue(s). These focussed changes should not go to the heart of the DPD but instead this non-statutory administrative

mechanism should be used to revise and update parts of the Plan following the consultation exercise.

4.5. In order for the focussed changes to be considered at the IE, satisfactory consultation should take place, therefore the council should prepare, publish and consult upon the focussed changes. The addendum of focussed changes together with an SA and other statutory assessments (as required) should be published for consultation for a period of 8 weeks which corresponds to the timeframe specified in regulations. Comments made on Focussed Changes can only relate to the soundness of proposed focussed changes, as this consultation is not an opportunity to add to the previous representations or to make new comments on parts of the original DPD. It is also recommended that the council publish comments to focussed changes as soon as reasonably practicable after the expiry of the consultation period.

4.6. While there is no need for the council to further comment on the responses received to focussed changes addendum, it may be useful, for discussion at IE, if council consider responses received and update their public consultation report accordingly.

4.7. If the submitted plan is accompanied by a focussed changes addendum, on which appropriate consultation has taken place, it forms part of the whole plan to be examined for soundness at IE.

4.8. Timing implications for the LDP timetable/SCI should be considered and amended as necessary.

4.9. **Section 11 withdrawal** - Under section 11(1) a council can withdraw a DPD at any time before it is submitted to the Department for IE. Where these powers are exercised and a DPD is withdrawn, it must be done so in accordance with regulation 23. Withdrawing a DPD may occur, for example, if a council is not satisfied that it will meet the statutory requirements for the submission of the DPD and other documents for IE and/or the tests of soundness. A council may review and address any issues and publish the new DPD and other documents for public consultation at a later date in accordance with regulation 15. An action to withdraw by a council would necessitate a revision of the plan timetable, which is provided for under

regulation 7(5). After a DPD has been submitted to the Department, a council can no longer withdraw the DPD.

5. Section requirements to be met by the council before submitting the DPD and other documents for Independent Examination to the Department

5.1. Following consideration of any representations, the council has the following statutory requirements to meet before it submits a DPD to the Department for IE:

- Under section 10(2)(a), it has complied with any relevant requirements contained in regulations under Part 2; and
- Under section 10(2)(b), it thinks the DPD is ready for IE.

5.2. Regulation 15 specifically states that before submitting a DPD to the Department for IE in compliance with section 10, the council must make the DPD and other documents available for inspection. It also states the places at which the documents are to be made available for inspection, send a copy of those documents to the statutory consultation bodies, give notice in the Belfast Gazette and by local advertisement of the title of the DPD and where and when it is available for inspection, and the requirements for publication of the DPD on the council's website.

5.3. The council should thoroughly assess and check the DPD prior to its submission to the Department in order to satisfy itself that it meets the legislative requirements and reduce the potential need for the DPD to be withdrawn by the council. (The checklist at Appendix 1 will help with councils' consideration). This approach should also be applied to other documents, including supporting documents, which are submitted with a DPD.

6. Submission of documents for Independent Examination to the Department

6.1. Section 10(3) states that (in addition to the submission of the DPD in accordance with section 10(1)) the council must also submit to the Department such other documents, or copies of documents and information as prescribed in regulations. This is to ensure that there is the necessary information for proper scrutiny of the DPD during the IE. While the Department supports and encourages the use of

electronic communication where possible, on occasion hard copies may be necessary and councils should provide these to the Department upon request.

6.2. For the purposes of section 10(3), regulation 20(2) prescribes the documents which the council must submit, along with the DPD, to the Department for IE and they are as follows:

1) the Plan Strategy SA report or, as the case may be, the Local Policies Plan SA report;
2) the council's statement of community involvement (SCI);
3) evidence that the council has complied with its SCI;
4) copies of notices as follows:

    a) notice of the address to which representations are to be sent in relation to the public consultation on the Preferred Options Paper
    b) notice of the address to which representations are to be sent in relation to the public consultation on the DPD (i.e. Plan Strategy or, as the case may be, the Local Policies Plan)
    c) notice of the address to which counter representations are to be sent in relation to representations made during the public consultation on the DPD (i.e. Plan Strategy or, as the case may be, the Local Policies Plan)

5) the timetable;
6) a statement setting out:

    a) a summary of the main issues raised in representations made in accordance with regulation 11(2) on the council's Preferred Options Paper, and
    b) how those main issues have been taken into account in the preparation of the DPD;

7) a statement setting out:

    a) if representations/counter representations were made in accordance with regulation 16(2) or 18(2) respectively, the number of representations made and a summary of the main issues raised in those representations,

or

b) that no such representations were made;

The regulations require that representations are received within a period of 8-week requirement from the date of compliance with regulation 15(d). Any decision to consider late representations should be approached carefully and consistently, having regard to fairness, transparency and procedural propriety, particularly where other participants have complied with the published deadline.

8) copies of any representations/counter representations made to the proposed development plan document, and

9) such supporting documents that in the opinion of the council are relevant to the preparation of the development plan document. (see paragraph 7.1 – 7.7)

6.3. The Plan Strategy SA report and Local Policies Plan SA report incorporates Strategic Environmental Assessment (SEA).

6.4. Further to the requirements under section 10(1) and (3) and regulation 20(2), regulation 20(3) states that the council must also send to the Department the following documents:

a) where the development plan document is a plan strategy, a copy of that plan strategy, or
b) where the development plan document is a local policies plan -

i. a copy of that local policies plan, and
ii. a copy of the adopted plan strategy.

6.5. A DPD Regulations checklist is included at appendix 1 of this document.

7. Supporting documents

7.1. As well as those documents detailed above, other assessments that support the preparation of the DPD, whether PS or LPP, include the Equality Impact Assessment (EQIA), Habitats Regulations Assessment (HRA) and Rural Proofing.

From time to time, other assessments may also be required depending on the timeframe e.g. An update to the SPPS, RDS HGI refresh or a global event such as a pandemic. In these circumstances the council will also be expected to provide an assessment of their consideration.

7.2. In relation to the representation/counter representation statements to be submitted, it would be good practice to detail all the representations to the DPD, the issues raised, and the council's consideration of those issues, in the form of a series of topic papers or a consultation report which can be submitted as supporting documents.

7.3. If the council proposes minor changes, these should be contained in the submitted documentation as a separate list, rather than within a schedule of focussed changes. Minor changes do not require public consultation, and therefore council should deal with minor changes separately before finalising their adopted DPD (See paragraph 4.2 above for details).

7.4. Statements of Common Ground can be used to establish the main areas of agreement between two or more parties on a particular issue. These can be a useful way to evidence commitment and deliverability and can be refined as work on the DPD progresses.

7.5. If the council has prepared, published and consulted upon a Focussed Changes addendum to the DPD, an amended/updated SA and any other supporting assessments (if required) prior to submission, comments made upon the focussed changes should be collated and submitted as part of the council's submission to the Department. However, there is no need for council to comment on the responses received. This is to ensure that submission of the DPD can proceed in the most time efficient way.

7.6. When submitting a DPD, a council should also satisfy themselves that they are meeting the requirements of the independent examiner's procedures in relation to the information that will be required for IE.

7.7. A council must not submit a DPD unless it considers that the DPD is ready for IE. It may assist the council to use self-assessment documents and submit these to the Department as supporting documents to a DPD. Such documents will be

useful in demonstrating a DPD has fulfilled legislative requirements. Councils may wish to consider use of the self-assessment documents alongside the Regulation checklist (Appendix 1) as a non-mandatory aid.

8. The Department's role at submission

8.1. The 2011 Act states that the Department must cause an IE unless it intends to direct a council to modify or withdraw the DPD (sections 15(1) and 11(2)). The IE will determine whether or not the DPD satisfies the preparation requirements of the Act and LDP Regulations, and whether it is sound.

8.2. As a statutory consultation body, the Department's role as laid out in Section 1 of the Act, is to ensure that the Regional Development Strategy (RDS) and any Policy contained in guidance issued by the Department as well as other matters which Department prescribes are taken into account. The Department must ensure that the LDP is in general conformity with the RDS and formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development throughout the LDP preparation process. It will indicate through its representations if there are concerns in relation to the soundness tests. The Department's representation will be considered alongside all others by the examiner. The Department's role is different to the council's role which is to 'take account of' the RDS - and 'any policy or advice contained in guidance issued by the Department' and 'such other matters as the Department may prescribe, or in a particular case, direct'. While the requirement on councils to 'take account of' regional policy differs from the duty on the Department to secure 'general conformity' with the RDS the two obligations are nevertheless compatible. This is because general conformity does not require complete alignment and still permits councils to take account of regional policy by tailoring it to local circumstances.

8.3. Following receipt of the DPD the Department must cause an IE unless it determines it is necessary to direct a council to withdraw or modify the document. Such consideration may include instances where the Department is of the opinion that the DPD is unsatisfactory, for example where there is insufficient evidence to support proposals which represent significant departure(s) from regional policy, or other obvious procedural omissions contained in the LDP regulations or set out

within a council's LDP timetable or SCI. This is not intended as an exercise in determining 'soundness' of a DPD or to fetter the role of the independent examiner, but rather to be satisfied that there is nothing in the body of documents which would prevent the DPD from progressing to independent examination. In all circumstances, the Department will engage with the council to seek an appropriate and proportionate resolution to any issues identified.

9. Withdrawal of DPD

9.1. Paragraph 4.9 above refers to the council's power to withdraw its DPD prior to submission to the Department under section 11(1).

9.2. Following submission, under section 11(2) the Department has the power to direct the council to withdraw the DPD at any time after it has been submitted. The Department will only exercise this legislative power in exceptional circumstances where issues are of such significant nature and scale that they go to the heart of the Plan, in this case the Department will be guided by its duty under section 1.

9.3. Where these powers are exercised and a DPD is withdrawn, it must be done so in accordance with regulation 23. The council must submit the new DPD and other documents at a later date in accordance with the statutory requirements. Subsequently, a council should ensure that their LDP timetable is kept up to date.

10. Intervention by the Department and Department's default powers

10.1. It should also be noted that under section 15(1) the Department may direct the council to modify a DPD at any time before it is adopted under section 12 if it thinks that the document is unsatisfactory. If the Department gives such a direction it must give reasons for doing so and the council must comply with the direction.

10.2. A section 15 (s.15) direction will detail the part(s) of the DPD that are unsatisfactory and request the council to revisit their evidence papers and modify the DPD document accordingly. Further details on a s.15 direction will be detailed in DPPN 12 – Monitor/review/revision.

10.3. Furthermore, the Department has default powers (section 16(1)) if it thinks that a council is failing or omitting to do anything it is necessary for it to do in connection

with the preparation or revision of a DPD.

11. Consideration of submission to the Department

11.1. The Department will aim to consider a council's submission within 8-12 weeks; however this is not statutorily bound. The timeliness will however depend on the complexity of DPD. If the Department decides to cause an IE, it will notify both the independent examiner and the council. This notification to the council will advise who has been appointed to carry out the IE[3] and will request that it forwards the submitted documentation directly to the independent examiner. At this point the Department is content that the independent examiner and the council shall correspond directly in terms of administration of the IE.

11.2. The independent examiner will set a date for the commencement of the public hearings and notify the council. The council should ensure that their LDP timetable is kept up to date and should not undertake a key stage in the preparation of their LDP if their timetable requires a revision.

12. Availability of submission documents

12.1. Regulation 21 sets out the statutory requirements for the availability of a DPD after a council submits it to the Department to cause an IE.

12.2. As soon as reasonably practicable after a council submits a DPD to the Department the council must make the following documents available for inspection at its principal offices and such other places in the district of the council as it considers appropriate:

- a copy of the DPD,
- the documents specified in regulation 20(2), and
- such other documents as in the opinion of the council are relevant to the preparation of the DPD.

[3] Section 10(4) states that an IE will be carried out by (a) the planning appeals commission; or (b) a person appointed by the Department. Section 10(5) states that the Department must not appoint a person under subsection (4)(b) unless, having regard to the timetable prepared by the council under section 7(1), the Department considers it expedient to do so.

12.3. The council must notify the consultation bodies of the fact that the DPD and the documents (as detailed in paragraph 12.2 above) are available for inspection and the places and times at which they can be inspected. Furthermore, the council must notify any person who has made (and not withdrawn) a representation or counter representation in accordance with regulation 16(2) or 18(2), respectively, unless the council has exercised its powers under regulation 17(2).

12.4. In accordance with regulation 21(e)-(f), the council must also give notice in the Belfast Gazette and by local advertisement[4] of the fact that the DPD has been submitted to the Department. Furthermore, the council must publish this notice on its website.

12.5. In relation to making the submission documents available, the council must comply with the requirements of its own SCI. It is important to note that if a council gives a commitment to go beyond the minimum statutory requirements in its SCI, it must comply with that commitment.

13. Publicity of the Independent Examination

13.1. Regulation 22 sets out the statutory requirements for the council in reference to the publicity of the IE.

13.2. The council is responsible for the publicity of the IE for a DPD. Publicity allows those who have an interest in a DPD to be made aware of the forthcoming IE and to be able to prepare for it accordingly.

13.3. At least four weeks before the opening of an IE, the council must make public the time and place at which the examination is to be held and whether the PAC or a person appointed will carry out the IE and if the latter, the identity of that person. In relation to this information, council must:

- notify the consultation bodies,
- give notice in the Belfast Gazette and by local advertisement,

[4] Under regulation 2 of the LDP Regulations, “local advertisement” means an advertisement for two successive weeks in at least one newspaper circulating in the district of the council.

- publish it on its website, and
- notify any person who has made (and not withdrawn) a representation or counter representation in accordance with regulation 16(2) or 18(2), respectively.

14. The next steps

14.1. An IE is a public examination of a DPD that is commenced, conducted and concluded by the independent examiner. The IE will examine 'soundness' of the DPD in terms of testing the principles, content and the preparation process against a list of key tests. The 'Soundness' tests are set out in full in Development Plan Practice Note (DPPN) 06 'Soundness'.

14.2. Primarily, the role of the independent examiner is to determine:

- whether a DPD satisfies the requirements for the preparation of a plan timetable and plan strategy or, as the case may be, the preparation of a plan timetable and local policies plan, together with the requirements for the preparation of a DPD as prescribed by the LDP Regulations;
- whether a DPD is sound.

14.3. Any person who makes a representation seeking to change a DPD must, if they so request, be given the opportunity to be heard at the IE in line with section 10(7), unless the council has exercised its powers under regulation 17(2).

14.4. The independent examiner must consider representations and counter representations made in relation to a DPD. Representations and counter representations are made on the basis of the soundness tests. Therefore, in considering the representations, if it is identified that any aspects of the DPD are unsound, then the independent examiner may identify the need for modifications to the DPD to ensure it meets the soundness tests. These modifications will be reflected in the recommendations to the Department at the end of the IE.

14.5. Procedures for carrying out an IE as well as the timetable and general arrangements for each IE are matters for the independent examiner.

14.6. The independent examiner, after concluding the public hearings and, in accordance with section 10(8), must make recommendations and give reasons for those recommendations (herein referred to as the “Independent Examination Report (IE Report)”).

14.7. In accordance with regulation 24(1) the independent examiner must send the IE report to the Department for its consideration in terms of making a direction to the council regarding the adoption of the DPD. The time period for preparing and the submission date for the advisory report are a matter for the independent examiner.

Appendix 1: Regulations Checklist

Whilst regulation 20(2) prescribes the documents that a council must submit to the Department for independent examination, procedural test of soundness number 4 requires that a council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD. The following checklist is aimed at guiding councils and supplementing the self-assessment document as referenced in para 7.7 of this guidance.

Reg			Evidence Required
5	**Preparation of the timetable**		
	The council must, in the preparation of the timetable, consult the planning appeals commission and such of the consultation bodies as the council considers appropriate.		A copy of the letter/email sent to both the PAC and any consultation bodies that the council considered appropriate for the purposes of consultation on the LDP timetable. For the avoidance of doubt, please submit one copy of the letter(s) and the distribution list (applies to each revised timetable).
6	**Content of the timetable**		
(2)	The timetable must include indicative dates for -		A copy of an up-to-date timetable, that has been agreed by the Department, containing indicative dates for each stage of the preparation of the LDP, including for these stages.
(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, and	
	(iii)	Adoption of the PS and LPP, and	
(b)	the carrying out of the appraisal under sections 8(6)(a) and 9(7)(a) and the preparation of the report on the findings of the appraisal under sections 8(6)(b) and 9(7)(b).		
7	**Agreement of the timetable**		
(1)	The timetable must be -		A copy of minutes from the relevant council meeting that clearly show the timetable has been approved by resolution of the council prior to its submission to the Department for agreement.
(a)	approved by resolution of the council prior to submission to the Department for its agreement, and		
(b)	submitted to the Department		A copy of the correspondence from the council to the Department submitting the timetable.
(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.		A copy of the correspondence from the Department to the council agreeing the timetable. Where the Department has requested further time to consider the timetable, a copy of this correspondence from the Department should be included.

(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.	Council should indicate if agreement of timetable has occurred through regulation 3(2).
(4)	Subject to paragraph (3) until such time as the Department agrees the timetable the council must not, in the preparation of a local development plan, take any steps under regulation 10 to advertise its preferred options paper.	The date of the agreement must be before the POP is advertised – copies of all advertisements are required with the submission of the plan.
(5)	Paragraphs (1) to (4) apply to the revision of a timetable as they apply to its preparation.	The information in paragraphs 1-4 should be made available for all revisions of a timetable.
8	**Availability of the timetable**	
(1)	Where a timetable is agreed or deemed to be agreed under regulation 7, the council must—	Photographs to show the agreed timetable on display in the places mentioned in paragraph (a).
(a)	make a copy of the agreed timetable available for inspection during normal office hours at—	
	(i) its principal offices, and	
	(ii) such other places within its district as it considers appropriate;	
(b)	give notice by local advertisement of the following—	Copies of the advertisement in **each** local newspaper that clearly shows the place and times it can be inspected. Plus, a list of the dates that the advertisement was carried in each publication
	(i) that the timetable is available for inspection,	
	(ii) the place and times at which it can be inspected; and	
(c)	publish the timetable on its website.	A dated screenshot from the council's website that shows the timetable was published there.
9	**Preparation of the preferred options paper**	
(1)	Before a council complies with regulation 11, it must, for the purpose of generating alternative strategies and options, engage the consultation bodies.	A copy of the letter/email sent to consultation bodies for the purposes of generating alternative strategies and options with regards to the POP. For the avoidance of doubt, please submit one copy of the letter(s) and the distribution list
(2)	In preparing the preferred options paper the council must take into account any representation received from the consultation bodies.	As part of the POP process, it is good practice for councils to prepare a report where they detail consultation responses and show how these have been considered when preparing their final preferred options..
10	**Availability of the preferred options paper**	
	Before a council prepares a development plan document it must—	Councils to provide proportionate evidence and must satisfy themselves that the regulations have been met. Evidence may include notification of public notice to show the Preferred Options Paper
(a)	make the following documents available for inspection during normal office hours at the places referred to in paragraph (b) -	
	(i) a copy of the preferred options paper,	

	(ii)	such supporting documents as in the opinion of the council are relevant to that paper,	on display in the places referred to in paragraph (b)
	(iii)	a document containing a statement indicating the period specified by the council under regulation 11(2) as the period within which representations on the preferred options paper may be made,	
	(iv)	notice of the address to which representations are to be sent.	
(b)	the places referred to in paragraph (a) are—		
	(i)	the council's principal offices, and	
	(ii)	such other places within the council district as the council considers appropriate;	
(c)	send to the consultation bodies the information set out at paragraph (a);		A copy of the letter/email sent to consultation bodies for the purposes of satisfying reg 10(c). For the avoidance of doubt, please submit one copy of the letter(s) and the distribution list.
(d)	give notice by local advertisement of the following—		
	(i)	the title of the local development plan,	Copies of the advertisement in **each** local newspaper that clearly shows the information set out in reg 10(d). Plus, a list of the dates that the advertisement was carried in each publication and it should be made clear in what newspaper the advertisement has been placed.
	(ii)	a statement of the fact that the preferred options paper is available for inspection and the places and times at which it can be inspected,	
	(iii)	a brief description of the content and purpose of the preferred options paper, and	
	(iv)	details of how further information on the preferred options paper may be obtained; and	
(e)	publish on its website—		A dated screenshot from the council's website that shows the information required under regulation 10(e) has been published there.
	(i)	the preferred options paper,	
	(ii)	such supporting documents as in the opinion of the council are relevant to the preferred options paper, and	
	(iii)	the document mentioned in paragraph (a)(iii) and notice mentioned in paragraph (a)(iv).	
11	**Public Consultation on the preferred options paper**		
(1)	Any person may make representations about a council's preferred options paper.		This should be no less than 8 weeks inclusive and no more than 12 weeks inclusive.
(2)	Any such representations must be—		
(a)	made within a period which the council specifies, and		
(b)	sent to the address specified pursuant to regulation 10(a)(iv).		
(3)	The period referred to in paragraph (2)(a) must be a period of not less than 8 weeks or more than 12 weeks starting on the day on which the council complies with regulation 10(a).		
(4)	A council must take account of any representations made in accordance with paragraph (2) before it prepares a development plan document.		As part of the POP process, it is good practice for councils to prepare a report where they detail consultation responses and show how these have been considered when preparing their final preferred options.

12	**Form and content of development plan document**	
(1)	A development plan document must contain—	The DPD must contain this information
(a)	a title which must give the name of the council district for which the development plan document is prepared and indicate whether it is a plan strategy or a local policies plan, and	
(b)	a sub-title which must indicate the date of the adoption of the development plan document.	
(2)	A development plan document must contain a reasoned justification of the policies contained in it.	The DPD must contain this information
(3)	Those parts of a development plan document which comprise the policies of the development plan document and those parts which comprise the reasoned justification required by paragraph (2) must be readily distinguishable.	Are the policies and J&A text easy to distinguish from one another.
13	**Proposals Map**	
(1)	A development plan document must contain a map or maps, (to be known as "the proposals map"), describing the policies and proposals set out in the development plan document so far as practicable to illustrate such policies or proposals spatially.	There should be a map or maps associated with the DPD. For the dPS this will contain high level spatial information on designations where relevant and for the dLLP this will contain detailed site-specific information. For the avoidance of doubt, maps may be provided in either hard-copy or electronic form, including GIS-based or web-enabled mapping systems, where this reflects the council's standard approach, forms part of the adopted plan documentation where appropriate, and satisfies the relevant statutory and technical requirements.
(2)	The proposals map is to be sufficiently detailed so as to enable the location of proposals for the development and use of land to be identified.	In respect of the dPS, anyone using the document should be able to see the extent of strategic designations in the proposals map. Specifically with regards to the LPP, it should contain maps which provide clarity on the council's policies and proposals where the proposals for development of land can be expressed spatially. Maps should be consistent with the PS and spatially identify specific sites for a range of land uses or development proposals to which the strategic policies of the PS will apply. The LPP may also contain other maps, diagrams, illustrations
(3)	In the case of any contradiction between the written statement and any other document forming part of a local development plan, the written statement shall prevail.	

			or other descriptive matter that the council thinks appropriate.
14	**Additional matters to be taken into account**		
(1)	The other matters that the council must take into account in preparing a local development plan are—		The council should provide evidence that it has considered and taken into account COMAH where necessary.
(a)	the objectives of preventing major accidents and limiting the consequence of such accidents,		
(b)	the need—		
	(i)	in the long term to maintain appropriate distances between establishments covered by the Directive and residential areas, buildings and areas of public use, major transport routes as far as possible, recreational areas and areas of particular natural sensitivity or interest, and	
	(ii)	in the case of existing establishments, for additional technical measures in accordance with Article 5 of the Directive so as not to increase the risks to people.	
(2)	In this regulation—		
(a)	the Directive means Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances, and		
(b)	expressions used in paragraph (1) and in the Directive have the same meaning in that paragraph as in the Directive.		
15	**Availability of a development plan document**		
	Before submitting a development plan document to the Department under section 10 the council must—		Councils to provide proportionate evidence and must satisfy themselves that the regulations have been met. Evidence may include notification of public notice of the development plan documents on display in the places mentioned in paragraph (b).
(a)	make the following documents available for inspection during normal office hours at the places referred to in paragraph (b)—		
	(i)	a copy of the development plan document,	
	(ii)	a copy of the SA report under section 8(6)(b) or 9(7)(b), as the case may be,	
	(iii)	such supporting documents as in the opinion of the council are relevant to the preparation of the local development plan,	
	(iv)	a document containing a statement indicating the period within which representations on the development plan document may be made, and	
	(v)	notice of the address to which representations can be sent;	
(b)	the places referred to in paragraph (a) are—		
	(i)	the council's principal offices, and	
	(ii)	such other places within the council district as the council considers appropriate;	

(c)	send to the consultation bodies a copy of the documents set out in paragraph (a);		A copy of the letter/email sent to consultation bodies for the purposes of satisfying reg 15(c). For the avoidance of doubt, please submit one copy of the letter(s) and the distribution list.
(d)	give notice in the Belfast Gazette and by local advertisement of the following—		Copies of the advertisement in the Belfast Gazette and **each** local newspaper that clearly shows the information set out in reg 15(d). Plus, a list of the dates that the advertisement was carried in each publication
	(i)	the title of the development plan document, and	
	(ii)	a statement of the fact that the development plan document is available for inspection and the places and times at which it can be inspected; and	
(e)	publish on its website—		Councils to provide proportionate evidence and must satisfy themselves that the regulations have been met. Evidence may include notification of public notice that shows the information required under regulation 15(e) has been published there.
	(i)	the development plan document,	
	(ii)	such of the supporting documents as in the opinion of the council are relevant, and	
	(iii)	the notice mentioned in paragraph (a)(iv).	
16	**Public consultation on a development plan document**		
(1)	Any person may make representations about a development plan document.		The first day of consultation is when the Belfast Gazette **and** the local advertisement (an advertisement for two successive weeks in at least one newspaper circulated in the district of the council) is advertised. Councils must ensure that upon advertisement that they are explicitly clear on consultation timeframes.
(2)	Any such representations must be—		
(a)	made within a period of 8 weeks starting on the day the council complies with regulation 15(d), and		
(b)	sent to the address specified pursuant to regulation 15(a)(v).		
17	**Availability of a development plan document**		
(1)	As soon as reasonably practicable after the expiry of the period referred to in regulation 16(2)(a) the council must—		Councils to provide proportionate evidence and must satisfy themselves that the regulations have been met. Evidence may include notification of public notice to show the development plan documents on display in the places mentioned in paragraph (b).
(a)	make the following documents available for inspection at the places referred to in paragraph (b)—		
	(i)	a copy of the representations,	
	(ii)	a document containing a statement indicating the time within which counter representations may be made, and	
	(iii)	notice of the address to which counter representations can be sent;	
(b)	the places referred to in paragraph (a) are—		
	(i)	the council's principal offices,	
	(ii)	such other places within the district of the council as the council considers appropriate;	
(c)	publish the representations on its website;		Councils to provide proportionate

		evidence and must satisfy themselves that the regulations have been met. Evidence may include notification of public notice that shows the information required under regulation 17(c) has been published there.
(d)	give notice in the Belfast Gazette and by local advertisement of the fact that representations are available for inspection and the places and times at which they can be inspected;	Copies of the advertisement in the Belfast Gazette and each local newspaper that clearly shows the information required in reg 17(d). Plus, a list of the dates that the advertisement was carried in each publication
(e)	notify the consultation bodies of the fact that representations are available for inspection and the places and times at which they can be inspected; and	A copy of the letter/email sent to consultation bodies for the purposes of satisfying reg 17(e). For the avoidance of doubt, please submit one copy of the letter(s) and the distribution list.
(f)	notify any person who has made (and not withdrawn) a representation in accordance with regulation 16(2) of those matters.	A copy of the letter/email sent to all representors and a list of those it was sent to. For the avoidance of doubt, please submit one copy of the letter(s) and the distribution list.
(2)	A council need not comply with paragraph (1) if the representation is made after the period specified in regulation 16.	
18	**Public consultation on site specific policy representations**	
(1)	Any person may make representations about a site specific policy representation (in regulations 17, 19 and this regulation referred to as "counter representations").	All counter objections should be sent to the address specified I reg 17(1)(a)(iii)
(2)	Counter representations must be—	
	(i) made within a period of 8 weeks starting on the day the council complies with regulation 17(1)(a), and	
	(ii) sent to the address specified in regulation 17(1)(a)(iii).	
(3)	Counter representations must not propose any changes to the development plan document.	
19	**Availability of representations on site specific policy representations**	
(1)	As soon as reasonably practicable after the expiry of the period referred to in regulation 18(2)(a) the council must—	Councils to provide proportionate evidence and must satisfy themselves that the regulations have been met. Evidence may include notification of public notice to show the representations on display in the places mentioned in paragraph (a) andto show the counter objections.
(a)	make a copy of the counter representations available for inspection during normal office hours at—	
	(i) its principal offices, and	
	(ii) such other places within the district of the council as the council considers appropriate; and	
(b)	publish this information on its website.	
(2)	The council need not comply with paragraph (1) if the counter representation is made after the period specified in regulation 18(2)(a).	
20	**Submission of documents for independent examination**	

(1)	Before a council submits a development plan document to the Department undersection 10, it must consider representations made under regulation 16 and, as the case may be, regulation 18.			As part of the DPD process, councils have prepared consultation reports where they detail consultation responses and show how these have been considered when preparing their final preferred options. This is considered best practice. All documents within this list should be submitted to the Department. The Department may specify a small number of documents to be submitted in hard copy form however, this will be on a case by case basis. For clarity: *"Evidence that the council has complied with the statement of community involvement"* – The council should demonstrate clearly that it has complied with all commitments set out in its own SCI with regards to the LDP process. Following the adoption of a PS, subsequent stages do not require resubmission of documents from the adopted stage.
(2)	The documents prescribed for the purposes of section 10(3) are—			
(a)	the report under section 8(6)(b) or, as the case may be, section 9(7)(b),			
(b)	the statement of community involvement,			
(c)	evidence that the council has complied with its statement of community involvement,			
(d)	copies of the notices referred to in regulation 10(a)(iv), 15(a)(iv), and 17(1)(a)(iii),			
(e)	the timetable,			
(f)	a statement setting out—			
	(i)	a summary of the main issues raised in representations made in accordance with regulation 11(2), and		
	(ii)	how those main issues have been taken into account in the preparation of the development plan document;		
(g)	a statement setting out—			
	(i)	if representations were made in accordance with regulation 16(2) or 18(2), the number of representations made and a summary of the main issues raised in those representations, or		
	(ii)	that no such representations were made;		
(h)	copies of any representations made in accordance with regulation 16(2) or 18(2), and			
(i)	such supporting documents as in the opinion of the council are relevant to the preparation of the development plan document.			
(3)	The council must also send to the Department—			
(a)	where the development plan document is a plan strategy, a copy of that plan strategy, or			
(b)	where the development plan document is a local policies plan—			
	(i)	a copy of that local policies plan, and		
	(ii)	a copy of the adopted plan strategy.		
21	**Availability of submission document**			
	As soon as reasonably practicable after a council submits a development plan document to the Department it must—			Councils should satisfy themselves that they have carried out the requirements of regulation 21 and they should ensure that they have the evidence documented for their own records – this may be requested by the independent examiner confirming compliance.
(a)	make the following documents available for inspection at the places referred to in paragraph (b) —			
	(i)	a copy of the development plan document,		
	(ii)	the documents specified in regulation 20(2), and		
	(iii)	such other documents as in the opinion of the council are relevant to the preparation of the development plan document;		
(b)	the places referred to in paragraph (a) are—			
	(i)	the council's principal offices, and		

	(ii)	such other places in the district of the council as the council considers appropriate;	
(c)	notify the consultation bodies of the fact that the development plan document and the documents mentioned in paragraph (a) are available for inspection and the places and times at which they can be inspected;		
(d)	notify any person who has made (and not withdrawn) a representation in accordance with regulation 16(2) or 18(2) of those matters;		
(e)	give notice in the Belfast Gazette and by local advertisement of the fact that the development plan document has been submitted to the Department; and		
(f)	publish the notice mentioned in paragraph (e) on its website.		

Schedule of Changes

Due to the volume of amendments, a detailed list of changes is not provided. Users are advised to review this updated version of DPPN 10 in parallel with the previously published version to understand the full range of revisions.

Page Number	Section Heading	Summary of change
Cover page	N/A	Revised date and version number
3 - 5	2. Legislative Context	Expand on the Department's duty under section 1 of the Act and conformity considerations. Expanded on Independent Examiner appointment
5 - 7	3. How a DPD progresses from the representation stage to submission to the Department	• Para 3.2 "must endeavour" replaces "should endeavour". • Para 3.3, opening para is more succinct. • "Focussed Changes" explanatory text is amended. • "Fundamental Changes" text is replaced by "section 11 DPD Withdrawal". • Figure 1 is amended to mirror changes made above and repositioned within this section. • Explanatory text on "No Change", "Minor Changes", "Focussed Changes" and "Section 11 withdrawal" is moved to next section.
8 - 10	4. Council preparation for submission	Explanatory text is updated under "Minor Changes", "Focussed Changes" and "Section 11 withdrawal" with information included on section 11 withdrawal.
10	5. Section requirements to be met by the council before submitting the DPD and other documents for Independent Examination to the Department	Section 11 text is moved to previous section.
10 - 12	6. Submission of documents for Independent Examination to the Department	• Clarification regarding digital-first approach. • Additional information in relation to representation timeframe. • Para 6.5 "submission" text is replaced by "Regulations".
12 - 14	7. Supporting Documents	• Para 7.1 includes expectations around assessment of emerging policy or other considerations for example global events such as e.g. Covid.

		• Some general rewording throughout section and specific information relating to minor changes and focussed changes. • Para 7.7 Additional clarity on Regulation checklist
14 - 15	8. The Department's role at submission	• Para 8.2 includes additional wording on the Department's duty under s1 of the Act. • Para 8.3 "unsatisfactory" replaces the phrase "fundamentally flawed". • Para 8.3 additional text to emphasise that the Department is committed to engaging with councils to resolve issues which may arise.
15	9. Withdrawal of DPD	Additional clarity added in relation to s11(2)
15 - 16	10. Intervention by the Department and Department's Default Powers	Additional information regarding s15 direction contents.
16	11. Consideration of the submission to the Department	Clarification of timeframe
17-18	12.Availability of submission documents 14. The next steps	Added further line in at para 12.3 and 14.4 to say: "unless the council has exercised its powers under regulation 17(2)".
20 - 28	Appendix 1	• Addition of a Regulations Checklist • Additional clarification on proposed evidence requirements

Department for Infrastructure
James House
2 - 4 Cromac Avenue
Belfast
BT7 2JA

Development Plan

Practice Note

11

Receipt of Independent Examination Report and Adoption of a Development Plan Document

Revised November 2026

Version 2

Department for Infrastructure | An Roinn Bonneagair | Depairtment fur Infrastructure

Preamble

This Development Plan Practice Note is designed to guide planning officers and relevant users through the key requirements for the adoption of Development Plan Documents and deals primarily with procedures as well as good practice. It forms part of a series of 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. In this practice note, any references to sections are references to sections of the 2011 Act and any references to regulations are references to regulations of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (the LDP Regulations), unless otherwise stated.

Where appropriate this practice note will therefore highlight:

- Relevant legislation;
- Procedural guidance;
- Definitions;
- Best practice examples.

This guidance is not intended to replace the need for judgement by planning officers 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[1] and legislation the provisions of the legislation will prevail.

[1] Please ensure you are considering the most up to date version of this practice note available on the Planning Portal at www.infrastructure-ni.gov.uk and the most up to date legislation on the legislation website at www.legislation.gov.uk, which is also accessible via the Planning Portal.

1. Introduction

1.1. Once a draft Development Plan Document (DPD) has been submitted to the Department and an Independent Examination (IE) has been caused, the Planning Appeals Commission (PAC) or person appointed by the Department[1], will move forward with facilitating the IE. A report on the Examiner's findings (the "IE Report") and recommendations will be provided to the Department. This practice note focuses on the key legislative requirements in relation to the consideration of the IE report and adoption of a DPD by a council. It recognises the fact that the new LDP process is still developing and therefore provides for a degree of flexibility.

2. Legislative context

2.1. **Part 2 of the 2011 Act** sets out the legislative provisions for local development plans[2]. In relation to the IE recommendations and the Department's consideration of the recommendations and subsequent direction to a council, the provisions are set out in **section 10(8)** and **section 12 of the 2011 Act.**

2.2. **Regulation 24 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015** sets out the requirements for the adoption of a development plan document by the council. Further details of each legislative requirement will be highlighted and set out below.

3. IE Recommendations to the Department under section 10(8) of the Act

3.1. Once an IE has concluded, **section 10(8) of the 2011 Act** states that the person appointed to carry out the examination must:

a) Make recommendations;
b) Give reasons for the recommendations.

3.2. This will form part of a report and will be sent to the Department after the conclusion of an IE in line with regulation 24(1) of the LDP Regulations. The IE

[1] Department means the Department for Infrastructure unless otherwise stated. The Department for Infrastructure came into being on 8 May 2016 and the Department of the Environment was dissolved in accordance with the Departments Act (Northern Ireland) 2016 and The Departments (2016 Act) (Commencement) Order (Northern Ireland) 2016.
[2] See Development Plan Practice Note 01 for further details

report will be expected to:

- Reach clear, reasoned conclusions on the DPD's compliance with the statutory requirements and whether it is sound; and
- Present recommendations on any necessary modifications to the DPD's which are required to overcome any correctable shortcomings in regard to statutory requirements or soundness.

3.3. When assessing the soundness of the entire DPD (including any Focussed Changes addendum), the Examiner will exercise their professional judgement based on the evidence presented. As set out in section 10(6) of the Act, the purpose of the IE is to determine in respect of the DPD, whether it satisfies the requirements of sections 7 & 8 or as the case may be, sections 7 & 9, and any regulations under section 22 relating to the preparation of DPD, and whether it is sound (see DPPN 6 – Soundness).

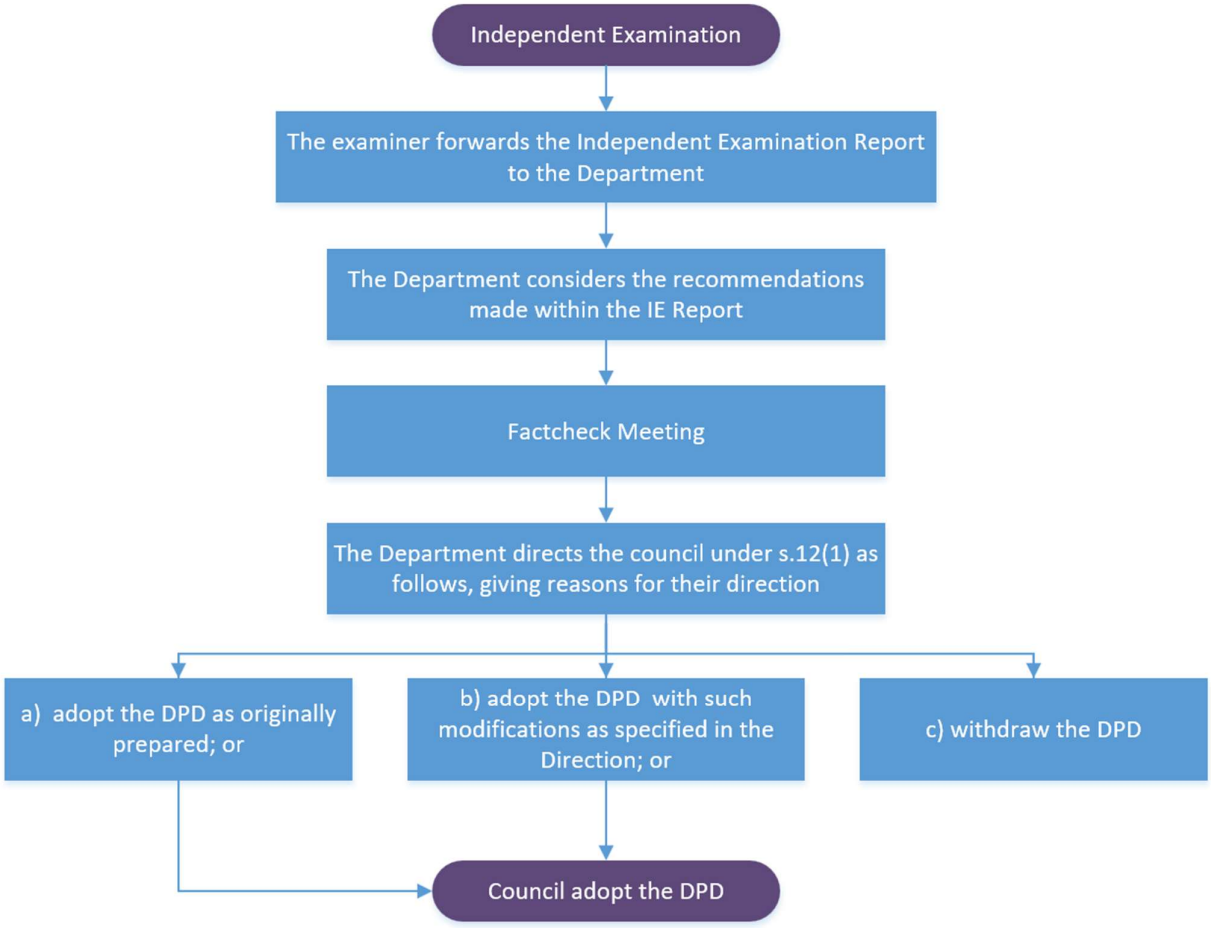
3.4. It should be noted that a degree of flexibility may be required around the timescale for IE or post IE report consideration, given the potential scope and nature of recommendations made and set out in the IE report on any necessary modifications.

4. Direction issued by the Department under section 12 of the 2011 Act

4.1. **Section 12(1)** states that the Department must consider the recommendations made under section 10(8) and direct the council to:

a) Adopt the development plan document as originally prepared;
b) Adopt the development plan document with such modifications as may be specified in the direction; or
c) Withdraw the development plan document.

Fig 1 – DPD Adoption Flow chart



4.2. **Section 12(2)** states that the Department must give reasons for any direction given. The Department will consider the reasons and recommendations made within the context of the IE report, (which has undergone a full examination of the evidence at IE), and also consider the need to exercise ministerial powers of intervention, before directing the council accordingly.

4.3. In carrying out this consideration, the Department will be guided by the rigor of the IE process and its key powers and functions in the important role of the adoption of the local development plans. The Department will always have regard to its section 1 duty in relation to the co-ordination of policy prepared by councils. The duty on the Department under section 1 of the Act is to "formulate and co-ordinate policy for securing the orderly and consistent development of land and the

planning of that development". Section 1 also requires the Department to ensure such policy is in general conformity with the Regional Development Strategy (RDS). The Department's co-ordination duty extends to ensuring the policies in a LDP are in general conformity with the strategic direction established by the RDS. The Department must also exercise its section 1 duty with the objective of furthering sustainable development and promoting or improving well-being.

4.4. It is important to note that the Department is not bound by the Examiner's recommendations, although the ability to rewrite the plan at this point is limited. In the event of a departure from the recommendations within the report, the Department will provide clear reasoning and justification for this. The Department, after exercising its duty under section 1, may conclude that a withdrawal (s.11) or intervention by the Department (s.15) is required.

4.5. The timeframe for the Department's consideration is not statutorily timebound although the intention is that this consideration should take approximately 12 weeks. The exact timeframe will depend on the nature and scale of the recommendations made, and implications for any modifications required, as well as the number of IE reports and/or public consultation responses the Department is considering at any one time. Where it becomes apparent that this may not be achievable, the Department will keep the Council informed of progress and any anticipated delay. Councils should factor this into timetables to ensure flexibility and the Department will liaise with individual councils to provide an indication of when its consideration will be concluded.

4.6. As set out above at paras 4.3 & 4.4, there will be a range of matters within the report and its recommendations for consideration which will inform the Department's direction. Therefore, the Department will**,** in confidence, grant the council a two-week period for fact checking aspects of the report immediately prior to issuing its Direction to the Council. This administrative process mirrors fact checking timeframes in other jurisdictions.

4.7. The primary purpose of the fact-checking exercise is to enable the council to highlight any factual errors or inconsistencies in the report. This is essentially a proofread. This exercise is intended as a factual verification process and does not provide an opportunity to reopen or challenge the substance of the

recommendations. However, where recommendations are demonstrably based on a material factual inaccuracy, it is appropriate that the Council may raise this for consideration. The council should not share or publish the report at this stage for the reasons set out, as it does not constitute the Department's Direction, which is the final decision. The Department will liaise with the council in advance of and during the fact check to facilitate the process.

4.8. The initial publicity of the IE report will be the responsibility of the individual council once the council receives the Department's Direction, as set out below at paragraph 5.5.

5. Requirements to be met by the council after the receipt of the Department's direction

5.1. Section 12(3) states that the council must comply with a direction given by the Department. Where this direction issued is to adopt the DPD, either as originally prepared or with modifications, under section 12(4) this must be by resolution of the council (which is full council) and must be done as soon as reasonably practicable after the receipt of the Department's direction under section 12(1)(a) or (b) in accordance with regulation 24(2).

5.2. The council is responsible for ensuring that any supporting documents required by legislation are updated as necessary to reflect the adopted plan and comply with the relevant statutory requirements. The council should ensure, in light of the modifications prescribed within the Department's direction to allow the plan to proceed to adoption, that any reviews and updates to supporting documents and assessments[3] are undertaken e.g Sustainability Appraisal (SA), Strategic Environmental assessment (SEA) Habitats Regulation Assessment (HRA). As a result, there is no prescribed timeframe for the adoption of a DPD, however the time required will be dependent on any work associated with the adoption process. For example, any additional consultation that may be required as a result of the IE process and/or modifications prescribed.

[3] For further details see: Development Plan Practice Note (DPPN) 4 -Sustainability Appraisal incorporating Strategic Environmental Assessment; Environmental Assessment of Plans and Programmes (EAPP) Regulations (NI) 2004; and The Planning (Local Development Plan) (LDP) Regulations (NI) 2015

5.3. Council should also consider the preparation of Supplementary Planning Guidance (SPG) to sit alongside the PS if necessary. The Council should consider the timing of any SPG and its availability post adoption. SPG is intrinsically complementary to policy and should assist in its interpretation and implementation but should not expand the scope of that policy or introduce more onerous obligations or undertakings.

5.4. The council may wish to publish a copy of the IE report and Direction prior to adoption for information and decision-making purposes, where appropriate.

5.5. As prescribed in Section 8(7) and 9(8), a plan strategy or a local policies plan, is only a plan strategy or a local policies plan, when adopted by resolution of the council (full council) or approved by the Department under Section 16(6) under the Department's default powers.

5.6. Regulation 24(3) sets out the requirements that must be met by the council on the date on which they adopt the DPD, including requirements for publicity and advertising of the DPD and other reports as prescribed. It states that the following documents must be made available for inspection at the council's principal offices and in such other places within the district of the council as the council considers appropriate:

- The DPD,
- A statement prepared by the council specifying the date on which the DPD was adopted,
- the report under section 8(6)(b) or 9(7)(b),
- the recommendations made and the reasons for those recommendations under section 10(8), and
- the Department's direction under section 12(1)(a) or (b).

5.7. In accordance with regulation 24(3)(c) the council must publish the above information on its website. It must also give notice in the Belfast Gazette and by local advertisement of the statement prepared by the council specifying the date on which the DPD was adopted and details of where and when it can be inspected in line with regulation 24(3)(d).

5.8. In accordance with regulation 24(3)(e), the council must send to the Department a copy of each of the documents referred to above and in regulation 24(3)(a). They must also, in accordance with regulation 24(f), notify any person who has asked to be notified of the adoption of the DPD.

6. Adoption of Plan Strategy

6.1. As set out in the Schedule to the LDP Regulations (Regulation 32 Transitional Arrangements), when a plan strategy is adopted by a council or approved by the Department, any reference to the LDP in the 2011 Act or any enactment relating to planning is a reference to the departmental development plan and the newly adopted plan strategy read together (3(a)).

6.2. Furthermore, any conflict between a policy contained in a departmental development plan, and those of the plan strategy must be resolved in favour of the plan strategy, (3(b)).

6.3. When a council adopts its Plan Strategy, policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

6.4. The Regional Development Strategy (RDS) 2035, Strategic Planning Policy Statement (SPPS), including any amendments to them, and any other relevant planning policies and guidance issued by the Department continue to be material for decision-taking. Ultimately, the relevance and weight to be attributed to all material considerations are matters for decision takers.

7. Adoption of Local Policies Plan

7.1. When a council adopts the local policies plan for its district the relevant departmental development plan/s shall cease to have effect, for the area to which the LPP relates.

7.2. When both a Plan Strategy (PS) and Local Policies Plan (LPP) are adopted together they comprise the local development plan (LDP) for a given council area.

7.3. Following the Council's adoption process, the Departments directions will be made

available on the DfI website.

8. Monitoring

8.1. The local development plan preparation process of monitoring and review is essential in establishing whether the objectives in the local development plan are being achieved and if any changes are required.

8.2. Monitoring is a continuous process and should be built into a councils LDP programme right from the early stages of development and through the whole lifespan of the document. Monitoring and review should be an ongoing function of the plan led system and is a vital aspect of evidence-based policy making.

8.3. It represents an essential feedback loop within the cyclical process of achieving sustainable development and achievement of the plan objectives.

9 Monitoring of PS

9.1. When considering what has been examined at IE, a council must undertake comprehensive and reliable monitoring to keep under review the PS in order to establish how the objectives are being achieved and determine whether any review or revision are required to ensure the continued delivery of the PS.

9.2. All councils will have identified a range of different requirements within their monitoring frameworks, this will assist in the plan, monitor and manage approach advocated by the SPPS and in ongoing review of evidence base and policy implementation which inform emerging draft policies to be contained within the LPP.

10 Monitoring of LPP

10.1. The successful monitoring and review of the PS framework will then assist and inform the content and details which should be provided in the LPP monitoring framework.

10.2. A further Development Plan Practice Note (DPPN 12) in relation to monitoring, review and revision will set out more detail regarding guidance and legislative requirements.

Schedule of Changes

Page Number	Section Heading	Summary of Changes
1	Document Identity / Presentation	• Updated title to “Revised 2026 – Version 2”. • New DfI header/table layout and branding. • Removal of “good practice examples / case law”.
2	Preamble / Scope	• Clarified legislative referencing structure. • Removed definitions/procedural wording. • Updated “most up-to-date version” wording.
3	Introduction	• IE Report terminology updated. • Removed reference to system still developing.
3	Legislative Context	• Added DPPN 6 – Soundness. • Added Focussed Changes addendum.
3 - 4	IE Recommendations	• Clarifies soundness applies to whole DPD. • Removed detailed 2023 explanations .
5	Fig 1 – DPD Adoption Flowchart	• Flowchart updated incl. fact-check step.
5 - 7	Department’s Direction	• Expanded Section 1 duty. • Added sections 11,14,15 & DPPN 12. • Timescales note added. • SPPS amendment reference added.
6-7	Fact Checking	• Expanded council limitations. • Updated cross-reference. • Strong confidentiality emphasis.
7-9	Requirements After Direction	• Adds "where appropriate". • Clarified sentences. • Expanded SPG considerations and availability
9	Adoption of Plan Strategy	• SPPS amendments included. • Added material consideration line.
9 - 10	Adoption of LPP	• Minor edits. • DfI website note added.

10	Monitoring	• Stronger early monitoring emphasis. • More detail on plan-monitor-manage .

Department for Infrastructure
James House
2 - 4 Cromac Avenue
Belfast
BT7 2JA