



2014 CHAPTER 8

PART 10

COMMUNITY PLANNING

*Miscellaneous*

**Guidance**

74.—(1) The Department may issue guidance about—

- (a) any aspect of community planning;
- (b) the production and review of community plans;
- (c) the duties of a council and its community planning partners under sections 71 to 73.

(2) Before issuing guidance under this section the Department must consult councils and—

- (a) such associations or bodies representative of councils;
- (b) such associations or bodies representative of officers of councils; and
- (c) such other persons or bodies,

as appear to the Department to be appropriate.

(3) A council and its community planning partners must have regard to any guidance issued under this section.

**Duties of departments in relation to community planning**

75. So far as it is reasonably practicable to do so, every Northern Ireland department must—

- (a) in exercising any function which might affect community planning, promote and encourage community planning;
- (b) have regard to any implications of a community plan for the exercise of that department's functions.

### **Establishment of bodies corporate**

**76.—**(1) The Department may—

- (a) on the application of a council and at least one of its community planning partners; and
- (b) after considering a report on the matters specified in subsection (2) made to the Department by the council and at least one of the council's community planning partners,

by order establish a body corporate having the constitution and functions specified in the order.

(2) The matters referred to in subsection (1)(b) are—

- (a) what consultations were conducted on the question whether to apply for an order;
- (b) the views on that question of the council and the council's community planning partners;
- (c) the views of other persons consulted on that question;
- (d) what functions should be specified in the order; and
- (e) such other matters as may be prescribed.

(3) An order made under subsection (1) may include provisions about—

- (a) the membership of the body established under it;
- (b) the proceedings of the body;
- (c) the transfer of property, rights and liabilities to and from the body;
- (d) the appointment and employment by the body of staff;
- (e) the supply by councils and other persons of services for the body;
- (f) the audit of the accounts of the body;
- (g) the dissolution of the body; and
- (h) such other matters as the Department thinks fit.

(4) A function may be specified under subsection (1) and accordingly fall to be discharged by the body in relation to which it is specified notwithstanding that under any statutory provision the function falls to be discharged also by another body or person.

(5) Subsection (4) has effect notwithstanding—

- (a) the absence of any statutory provision or rule of law providing for the discharge of that function otherwise than by the other body or person having that function; or
  - (b) any statutory provision or rule of law preventing the discharge of that function in that way.
- (6) In subsection (5) “statutory provision” does not include this section.
- (7) Section 19 of the Interpretation Act (Northern Ireland) 1954 applies to a body established under subsection (1).

### **Amendments of the Planning Act (Northern Ireland) 2011**

- 77.—(1) The Planning Act (Northern Ireland) 2011 is amended as follows.
- (2) In section 8 (plan strategy), in subsection (5) (matters which a council must take account of in preparing a plan strategy) after paragraph (a) there shall be inserted—
- “(aa) the council’s current community plan;”.
- (3) In section 9 (local policies plan), in subsection (6) (matters which a council must take account of in preparing a local policies plan) after paragraph (a) there shall be inserted—
- “(aa) the council’s current community plan;”.
- (4) In section 250 (interpretation), in subsection (1) after the definition of “clerk of the council” there shall be inserted—
- ““current community plan” has the same meaning as in Part 10 (community planning) of the Local Government Act (Northern Ireland) 2014;”.
- (5) The amendments made by this section do not apply in relation to a council until the council has published a community plan under section 68(4).

### **Interpretation**

- 78.—(1) For the purposes of this Part—
- “community planning” must be construed in accordance with section 66;
- “community planning partner” means a person falling within section 67;
- “current community plan” means the community plan for a district published under section 68(4) or, where the plan has been amended following a review under section 70, the plan most recently published under section 70(6).
- (2) Any reference in this Part to an action being performed or a function being exercised for the purposes of achieving a community plan objective is a reference to an action being performed or a function being exercised as described in section 66(2)(c).

(3) Where this Part refers to a thing being connected with a community planning partner's functions, the functions in question do not include the partner's functions under this Part.

(4) A document referred to in this Act as a "community plan" (or by an expression including that term) may instead be referred to by whatever alternative name is agreed between a council and its community planning partners.