

## **EXPLANATORY MEMORANDUM TO**

### **The Planning Act 2011 (Review) Regulations (Northern Ireland) 2020**

#### **SR 2020 No. 218**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the above Statutory Rule which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by section 228(2) of The Planning Act (Northern Ireland) 2011 (the 2011 Act) and now vested in article 8(1)(b) and Schedule 5, Part 2 of The Departments (Transfer of Functions) Order (NI) 2016 (S.R. 2016 No. 76). The Statutory Rule is subject to negative resolution procedure.
- 1.3 The Rule is due to come into operation on 02 November 2020.

#### **2. Purpose**

- 2.1 Section 228 of the 2011 Act requires the Department to review and publish a report on the implementation of the Act no later than 3 years after the commencement of Part 3 of the Act (i.e. April 2018) and at least once in every 5 years thereafter. The Department is required by section 228(2) to make regulations setting out the terms of the review.

#### **3. Background**

- 3.1 The requirement to review and publish a report on the implementation of the Act is to ensure the Department monitors and reports on the coming into operation of the provisions within the Act, to provide a level of assurance that the legislative framework for the delivery of a reformed two-tier planning system has been implemented and in a timely fashion.
- 3.2 The delay in meeting the initial timeframe set out in the Act for making the regulations and publication of the associated report, stems from decisions (not to

proceed) made under the NI (Executive Formation & Exercise of Function etc) Act 2018. These decisions determined that in the absence of a Minister or functioning Assembly, it would not be appropriate to make the regulations, and to publish the subsequent report on the implementation of the Planning Act. The conclusion reached was that this would be a significant step for officials to take in the absence of ministers and that, on balance, the public interest was best served by deferring a decision for a locally elected, accountable Minister.

#### **4. Consultation**

4.1 There is no requirement to consult on the scope of the regulations.

#### **5. Equality Impact**

5.1 A screening exercise concluded that the proposed Statutory Rule does not have any significant impact on equality of opportunity in any of the groups specified in section 75 of the Northern Ireland Act 1998.

#### **6. Regulatory Impact**

6.1 A partial Regulatory Impact Assessment was carried out and did not identify any costs to business or the voluntary sector.

#### **7. Financial Implications**

7.1 There will be no financial costs imposed on business as a result of the regulations.

#### **8. Section 24 of the Northern Ireland Act 1998**

8.1 The Department considers that the legislation complies with the requirements of section 24 of the Northern Ireland Act 1998.

#### **9. EU Implications**

9.1 There are no EU implications.

#### **10. Parity or Replicatory Measure**

10.1 None.

#### **11. Additional Information**

11.1 None.

**Contact**

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