

**EXPLANATORY MEMORANDUM TO
THE PLANNING (LISTED BUILDINGS) (AMENDMENT) REGULATIONS
(NORTHERN IRELAND) 2016**

S.R. 2016 No. 117

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the above named Statutory Rule which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under sections 80(5), 86(4)(c), 95(2)(b) and 247(1) of the Planning Act (Northern Ireland) 2011 and is subject to the negative resolution procedure.

1.3 The Rule is due to come into operation on 9th May 2016.

2. Purpose

2.1 These Regulations are a technical amendment to the Planning (Listed Buildings) Regulations (Northern Ireland) 2015 (“the Listed Buildings Regulations 2015”). They are being made as a consequence of the commencement of the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (“the Transfer of Functions Order 2016”).

2.2 These Regulations amend the Listed Buildings Regulations 2015 following the transfer of built heritage functions to the new Department for Communities (“DFC”) in order to take account of:

- the new statutory consultation arrangements for applications for listed building consent (regulation 2(2) and 2(3));
- the transfer of responsibility for listing of buildings to DFC (regulation 2(4)).

3. Background

3.1 Under the Transfer of Functions Order 2016, the Department of the Environment will be dissolved and the built heritage functions of the Department’s Northern Ireland Environment Agency will transfer to the DFC.

4. Consultation

4.1 As these Regulations make technical amendments, arising from the change in functions of Departments in Northern Ireland, public consultation has not been deemed necessary.

5. Equality Impact

5.1 In accordance with its duty under Section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the legislative proposals and has concluded that they do not have any implications for equality of opportunity.

6 Regulatory Impact

6.1 As these Regulations make technical amendments arising from the change in functions of Departments in Northern Ireland, a Regulatory Impact Assessment has not been conducted.

7. Financial Implications

7.1 None.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Statutory Rule does not discriminate on grounds of religious belief or political opinion nor does it modify the European Communities Act, the Human Rights Act 1998 or any statutory provisions listed in section 7 of the 1998 Act.

9. EU Implications

9.1 None.

10. Parity or Replicatory Measure

10.1 There are no parity or replicatory issues.

11. Additional Information

11.1 Francis Martin at the Department of the Environment Tel: (028) 90823499 or e-mail: Francis.Martin@doeni.gov.uk can answer any queries regarding the new regulations.