

EXPLANATORY MEMORANDUM TO

The Planning (Miscellaneous Amendments) Regulations (Northern Ireland) 2019

S.R. 2019 No. 24

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the above-named Statutory Rule (“the Regulations”) which is laid under the negative resolution process before the Northern Ireland Assembly.
- 1.2. The Department for Infrastructure has made the above named Statutory Rule under powers conferred on it by section 2(2) of the European Communities Act 1972. It will come into operation on 27th March 2019.

2. Purpose

- 2.1. The Regulations make provision to amend the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) for 2015, 2012 and 1999, the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) for 2015 and 2010, as well as the Planning (Hazardous Substances) (No.2) Regulations (Northern Ireland) 2015 to transfer legal responsibility (as Competent Authority) for the implementation of the various EU Directives transposed in these Regulations to the Department for Infrastructure.
- 2.2. The Regulations also amend regulation 19(b) of the Planning (Hazardous Substances) (No.2) Regulations (Northern Ireland) 2015 to clarify that the Department of Agriculture Environment and Rural Affairs will be consulted in relation to certain other planning approvals and projects.

3. Background

- 3.1. The functions under the Planning Regulations set out at paragraph 2.1 above, which were conferred on the former Department of the Environment, were to transfer to the Department for Infrastructure in accordance with the Executive’s decision in 2015 to reorganize government departments. Consequently the Department for Infrastructure was to be the department with the policy responsibility for these subject areas. Unexpected technical issues resulted in the functions being transferred to the Department of Agriculture and Rural Affairs by default in the Transfer of Functions Order of 2016 which (along with the Departments Act (Northern Ireland) 2016) was to implement that decision.

- 3.2. These Regulations now remedy that unintentional consequence by transferring the functions to the Department for Infrastructure as originally intended.

4. Consultation

- 4.1. A consultation was not required when considering these Regulations. The then sitting Executive Committee confirmed that it was content with the proposed Transfer of Functions Order.

5. Equality Impact

- 5.1. A screening exercise has been carried out for these Regulations and the outcome was that an Equality Impact Assessment was not considered necessary and the Department considers that the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

- 6.1 As the Regulations do not contain any provisions that will result in an increased or adverse impact on business, charities or the community or voluntary sectors, a Regulatory Impact Assessment has been screened out.
- 6.2 The Department is content that the legislation meets commitments to Better Regulations.

7. Financial Implications

- 7.1. Not applicable.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Regulations amend the transfer of functions between Departments and do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. A Rural Proofing Impact Assessment has been screened out for these Regulations. Being of a purely technical nature, they are considered to have no impact on the rural community.

12. Contact

- 12.1. Responsible Officer at the Department for Infrastructure. Telephone: 028 90 540568 or e-mail: irene.kennedy@infrastructure-ni.gov.uk