
STATUTORY INSTRUMENTS

2003 No. 430

The Planning (Amendment) (Northern Ireland) Order 2003

Regional development strategy

Certain policies, plans and schemes under the principal Order to be in general conformity with the regional development strategy

27. In each of the following provisions of the principal Order —

- (a) Article 3(1A) (policy under that Article to be consistent with the regional development strategy);
- (b) Article 4(1A) (development plan for an area to be consistent with the regional development strategy); and
- (c) Article 86(6) (development scheme to be consistent with the regional development strategy),

for the words “consistent with” there is substituted “in general conformity with”.

Development plans: statement as to general conformity with the regional development strategy

28.—(1) The following provisions of this Article apply where the Department of the Environment proposes to make, alter or replace a development plan for an area under Part III of the principal Order; and references in those provisions to Articles are to Articles in that Part.

(2) Not later than the beginning of the period of 28 days immediately before it proposes to make copies of the relevant documents available for inspection in accordance with Article 5(4) or (as the case may be) Article 6(3), the Department of the Environment shall send a copy of those documents to the Department for Regional Development.

(3) The Department for Regional Development shall consider the documents received by it under paragraph (2) and within the period of 28 days beginning with the day on which it received those documents shall—

- (a) determine whether in its opinion the relevant plan is in general conformity with the regional development strategy; and
- (b) give the Department of the Environment a statement in writing which—
 - (i) sets out that opinion; and
 - (ii) if that opinion is to the effect that the relevant plan is not in general conformity with the regional development strategy, gives the reasons for that opinion.

(4) The Department of the Environment shall make copies of any statement received under paragraph (3) available for inspection under Article 5(4) or (as the case may be) Article 6(3) together with copies of the relevant documents.

(5) A statement to which paragraph (3)(b)(ii) applies shall be treated for all purposes as an objection duly made by the Department for Regional Development within the prescribed period referred to in Article 5(5) or (as the case may be) Article 6(4).

(6) Not later than the beginning of the period of 28 days immediately before it proposes to make an order under Article 8(1) adopting a plan, alteration or replacement plan, the Department of the Environment shall send to the Department for Regional Development a copy of—

- (a) the draft order; and
- (b) the plan, alteration or replacement plan to which the order relates.

(7) The Department for Regional Development shall consider the documents received by it under paragraph (6) and within the period of 28 days beginning with the day on which it received those documents shall—

- (a) determine whether in its opinion the relevant plan is in general conformity with the regional development strategy; and
- (b) give the Department of the Environment a statement in writing which—
 - (i) sets out that opinion; and
 - (ii) if that opinion is to the effect that the relevant plan is not in general conformity with the regional development strategy, gives the reasons for that opinion.

(8) The Department of the Environment shall consider any statement received under paragraph (7) before making an order under Article 8(1).

(9) In this Article “the relevant plan” means—

- (a) where the Department proposes to make a development plan, the plan proposed to be made;
- (b) where the Department proposes to alter a current development plan, the current plan as proposed to be altered;
- (c) where the Department proposes to replace a current development plan, the plan proposed to replace the current plan.

Regional development strategy: transitional arrangements for certain development plans

29.—(1) This Article applies to the following development plans (“excepted plans”) —

- (a) the Cookstown Area Plan 2010;
- (b) the Craigavon Area Plan 2010;
- (c) the Dungannon and South Tyrone Area Plan 2010.

(2) Article 28 does not apply in relation to the making of an excepted plan.

(3) The following provisions—

- (a) Article 3(1A) of the principal Order (policy of Department of the Environment under that Article to be in general conformity with regional development strategy); and
- (b) Article 5 of the [Strategic Planning \(Northern Ireland\) Order 1999 \(NI 4\)](#) (departments exercising functions in relation to development to have regard to the regional development strategy),

do not apply to the Department of the Environment exercising functions under Part III of the principal Order in relation to the making of an excepted plan.

(4) Article 4(1A) of the principal Order (development plan for an area must be in general conformity with the regional development strategy) does not apply in relation to an excepted plan.

(5) The reference in paragraph (4) to an excepted plan is to the plan as adopted under Article 8 of the principal Order; and accordingly that paragraph ceases to apply in relation to an excepted plan if it is altered or replaced.