

**PLANNING AMENDMENT  
(NORTHERN IRELAND) ORDER 2003**

**S.I. 2003 No. 430 (N.I. 8)**

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**EXPLANATORY MEMORANDUM**

**COMMENTARY ON ARTICLES**

*Regional development strategy*

***Article 27 - Certain policies, plans and schemes under the principal Order to be in general conformity with the regional development strategy***

This Article further amends Articles 3 (1 A), 4(1 A) & 86(6) of the Planning (Northern Ireland) Order 1991. These provisions previously required that planning policies, development plans and development schemes must be “*consistent with*” the regional development strategy. The amendment deletes the words “*consistent with*” and substitutes the words “*in general conformity with*”.

***Article 28 - Development plans: statement as to general conformity with the regional development strategy***

This Article provides for the introduction of a statement of conformity procedure by the Department for Regional Development where the Department of the Environment proposes to make, alter or replace a development plan. The Department for Regional Development is required to issue statements as to whether a development plan is, or is not, in general conformity with the regional development strategy. The Department for Regional Development is required to issue statements of conformity at two stages in the development plan making process:

- in respect of a draft plan, within 28 days from receipt of the draft plan; and
- in respect of the final draft plan, within 28 days from receipt of the draft Adoption Order and the plan, alteration or replacement plan to which the Order relates.

***Article 29 - Regional development strategy: transitional arrangements for certain development plans***

This Article makes arrangements in respect of three development plans, which were at draft plan stage prior to the formulation of the regional development strategy on 20 September 2001. The following development plans are treated as ‘excepted plans’

- Craigavon Area Plan 2010;
- Cookstown Area Plan 2010; and
- Dungannon and South Tyrone Area Plan 2010.

The statement of conformity procedure in Article 27 does not apply to ‘excepted plans’.

The provision in Article 3(1A) of the Planning (Northern Ireland) Order 1991 that the Department of the Environment shall ensure policy formulated shall be in general conformity with the regional development strategy does not apply in relation to the making of an excepted plan.

The provision in Article 4(1A) of the Planning (Northern Ireland) Order 1991 that a development plan for an area must be in general conformity with the regional development strategy does not apply in relation to an excepted plan. This exemption applies to the plan as adopted under Article

*This Explanatory Memorandum refers to the Planning  
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8 of the Planning (Northern Ireland) Order 1991, and ceases to apply to an excepted plan if it is altered or replaced.

The provision of Article 5 of the Strategic Planning (Northern Ireland) Order 1999 that government departments shall have regard to the regional development strategy in exercising functions in relation to development does not apply to the Department of the Environment in relation to the making of an excepted plan.