

EXPLANATORY MEMORANDUM TO

The Planning (2011 Act) (Commencement No.2) Order (Northern Ireland) 2015

2015 SR No. 25 (C. 2)

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 254(1) of the Planning Act (Northern Ireland) 2011 and is subject to the draft affirmative resolution procedure.

2. Purpose

- 2.1. A Commencement Order is a form of Statutory Rule which is designed to bring into operation the whole or part of an Act of the Assembly at a date later than the date of the Royal Assent.
- 2.2. This Statutory Rule commences Part 3 of the Planning Act (Northern Ireland) 2011 Act (the 2011 Act) from 1 February 2015 for the purpose only of conferring powers to make regulations and orders and for all other purposes from 1 April 2015.
- 2.3. The provisions in Part 3 of the 2011 Act cover a range of planning control powers including defining development and setting the framework for the processing and determination of applications for planning permission.

3. Background

- 3.1. The 2011 Act provides for the reform of the planning system and transfer of responsibility for the majority of planning decisions from the Department of the Environment to councils.
- 3.2. The reform and transfer of planning involves enacting a range of subordinate legislation that is required to bring the 2011 Act fully into operation and establish the new planning system from the date of transfer of planning powers to councils.

4. Consultation

- 4.1. Policy underpinning the 2011 Act and associated subordinate legislation has been subject to public consultation. There is no requirement to consult on a commencement order.

5. Equality Impact

- 5.1. The policy underpinning the 2011 Act and associated subordinate legislation has been subject to an equality impact assessment. There is no requirement to carry out a equality impact assessment on a commencement Order.

6. Regulatory Impact

- 6.1. The policy underpinning the 2011 Act and associated subordinate legislation has been subject to a regulatory impact assessment. There is no requirement to carry out a regulatory impact assessment on a commencement Order.

7. Financial Implications

- 7.1. Not applicable

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The regulations are considered compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. There are no EU implications associated with the draft Order.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. None