

PROPOSED ORDER-IN-COUNCIL: STRATEGIC PLANNING

EXPLANATORY NOTE

Introduction

In the Belfast Agreement of 10 April 1998, the Government gave a commitment to make rapid progress with:-

A new regional development strategy for Northern Ireland, for consideration in due course by the Assembly, tackling the problems of a divided society and social cohesion in urban, rural and border areas, protecting and enhancing the environment, producing new approaches to transport issues, strengthening the physical infrastructure of the region, developing the advantages and resources of rural areas and rejuvenating major urban areas.

Work on this strategy had already been taken forward by the Department of the Environment (DOE), and in December 1998 it published a consultation paper containing a draft of the strategy. The paper, entitled "Shaping Our Future" provided a framework for developing Northern Ireland for the next 25 years. The deadline for receiving comments on this paper is 16 April 1999

Responsibility for this exercise will transfer from DOE to the new Department for Regional Development (DRD) after devolution. The purpose of this Order is to provide DRD with the provisions necessary to undertake this function.

Article 1

This names the proposed Order and states that it shall commence on the same day as the Departments (NI) Order 1999 which creates the new NI departments, comes into effect.

Article 2

This provides for interpretation.

Article 2(1) states that the Interpretation Act (NI) 1954 shall apply to the provisions of this Order as it applies to an Act of the NI Assembly.

Article 2(2) defines the Department as the Department for Regional Development.

Article 2(3) states that this Order should be construed as one with the Planning (NI) Order 1991 - this is for the purpose of applying meanings and definitions used in that Order to this Order.

Article 3 -

This places an obligation on DRD to formulate a strategy for Northern Ireland and provides a saving clause for work already undertaken in this regard.

Article 3 (1) places an obligation on DRD, in consultation with other Northern Ireland departments, to formulate a regional development strategy for the long term development of Northern Ireland. This also allows for formulating sub-regional strategies such as the Belfast and Londonderry City Vision exercises.

Article 3 (2) is a saving clause and provides that any work already done by the DOE in respect of the regional development strategy under Article 3 of the Planning (NI) Order 1991, and which could have been done under this Article shall have effect as if it was done under this Article.

Article 4

This provides DRD with general powers in respect of the regional development strategy.

Article 4 (a) requires DRD to provide policy guidance and advice in relation to the strategy and its implementation.

Article 4 (b) requires DRD to draw up proposals for the implementation of the strategy. This would require DRD to take the lead in preparing an action plan for implementing the strategy.

Article 4 (c) requires DRD to take such action as it considers necessary or expedient to co-ordinate the implementation of the strategy.

Article 5

This requires NI and UK departments to have regard to the regional development strategy when exercising any functions in relation to development in Northern Ireland.

Article 6

This gives DRD the power to undertake, or cause to be undertaken, surveys or studies in connection with its powers under this Order; it also provides that DRD may consult more widely on the strategy.

Article 6 (1) provides that DRD may undertake or cause to be undertaken surveys or studies into such matters as - the physical, social and economic characteristics of any area; the size, composition and distribution of the population of an area; the communications, transport system and traffic of an area; and any changes to the above and the likely effect those changes would have on the long term development of Northern Ireland.

Article 6 (2) provides that DRD may consult with any persons on the regional development strategy and cause a public local inquiry to be held

Article 6(3) provides that rules may be made for regulating the procedure to be followed for any inquiries to be held.

Article 7

This provides that the Minister for Regional Development may appoint advisory bodies or committees to assist the department in the exercise and performance of its functions under this Order.

Article 8

This provides for consequential amendments.

Article 8 (1) gives effect to the Schedule to the Order.

Article 8(2) provides that DRD may by order make such provision as appears necessary or expedient for the purpose of giving effect to, or in consequence of this Order.

Article 8(3) provides that any order made under Article 8(3) must be laid before and approved by resolution of the Assembly.

SCHEDULE

This provides for consequential amendments to the Property (NI) Order 1978 and the Planning (NI) Order 1991.

Draft Order in Council laid before Parliament under the Northern Ireland Act 1974, Schedule 1 paragraph 1(4)(a), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1999 No. (N.I.)

NORTHERN IRELAND

**The Strategic Planning (Northern Ireland)
Order 1999**

Made

Coming into operation in accordance with Article 1(2)

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
2. Interpretation.
3. Regional development strategy.
4. General powers of the Department.
5. Departments to have regard to regional development strategy.
6. Power to undertake surveys and studies.
7. Power to appoint advisory bodies or committees.
8. Consequential amendments, etc.

SCHEDULE:

Consequential amendments.

At the Court at , the day of 1999

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

THE STRATEGIC PLANNING (NI) ORDER 1999

1974 c. 28. Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Strategic Planning (Northern Ireland) Order 1999.

1999 NI 1. (2) This Order shall come into operation on the day appointed under Article 1(2) of the Departments (Northern Ireland) Order 1999 for the coming into operation of certain provisions of that Order.

Interpretation

1954 c. 33 (N.I.). 2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order "the Department" means the Department for Regional Development.

1991 NI 11. (3) This Order shall be construed as one with the Planning (Northern Ireland) Order 1991.

Regional development strategy

3.—(1) The Department shall formulate, in consultation with other Northern Ireland departments, a regional development strategy for Northern Ireland, that is to say a strategy for the long-term development of Northern Ireland.

(2) Any act which—

(a) was done at any time before the coming into operation of this Order by the Department of the Environment under Article 3 of the Planning (Northern Ireland) Order 1991; and

(b) could have been done under this Article had it been in operation at that time,

shall have effect as if done by the Department under this Article.

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General powers of the Department

4. The Department shall—
- (a) provide policy guidance and advice in relation to its regional development strategy and the implementation thereof;
 - (b) draw up proposals for the implementation of that strategy;
 - (c) take such action as it thinks necessary or expedient to co-ordinate the implementation of that strategy.

Departments to have regard to regional development strategy

5. In exercising any functions in relation to development in Northern Ireland—

- (a) a Northern Ireland department; and
 - (b) a department of the Government of the United Kingdom;
- shall have regard to the regional development strategy.

Power to undertake surveys and studies

6.—(1) The Department may undertake, or cause to be undertaken, such surveys or studies as it may consider necessary for the purposes of its functions under this Order, including surveys or studies relating to any of the following matters—

- (a) the physical, social and economic characteristics of any area, including the purposes for which land is used;
- (b) the size, composition and distribution of the population of an area;
- (c) the communications, transport system and traffic of an area;
- (d) any changes in relation to the foregoing matters and the effect which the changes are likely to have on the long-term development of Northern Ireland or any part thereof or the planning of that development.

(2) The Department may, for the purpose of the exercise of any of its functions under this Order—

- (a) consult with such persons as it thinks fit; and
- (b) where it considers it appropriate to do so, cause a public local inquiry to be held.

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(3) Without prejudice to section 23 of the Interpretation Act 1954 c. 33 (N.I.), (Northern Ireland) 1954, the Department may make rules regulating the procedure to be followed in connection with inquiries held by or on behalf of the Department under this Order.

Power to appoint advisory bodies or committees

7. The Minister for Regional Development may appoint such advisory bodies or committees as he considers necessary to assist the Department in the exercise and performance of the functions conferred on the Department by this Order.

Consequential amendments, etc.

8.—(1) The statutory provisions set out in the Schedule shall have effect subject to the amendments specified in that Schedule.

(2) The Department may by order make such provision (including provision amending or repealing any statutory provision) as appears to it to be necessary or expedient for the purposes of giving effect to, or in consequence of, this Order.

(3) No order shall be made under paragraph (2) unless a draft of the order has been laid before and approved by resolution of the Assembly. ✓

Clerk of the Privy Council

THE STRATEGIC PLANNING (NI) ORDER 1999

SCHEDULE

Article 8(1).

CONSEQUENTIAL AMENDMENTS

Property (Northern Ireland) Order 1978 (NI 4)

1. In Article 5(5)(c) after "exemplified by" insert "the regional development strategy formulated under Article 3 of the Strategic Planning (Northern Ireland) Order 1999 or by".

The Planning (Northern Ireland) Order 1991 (NI 11)

2. In Article 2(2) at the appropriate place in alphabetical order insert—
"“regional development strategy” means the strategy formulated by the Department for Regional Development under the Strategic Planning (Northern Ireland) Order 1999;”.

3. In Article 3 after paragraph (1) insert—
“(1A) The Department shall ensure that any such policy is consistent with the regional development strategy.”.

4. In Article 4 after paragraph (1) insert—
“(1A) A development plan for an area must be consistent with the regional development strategy.”.

5. In Article 86 at the end add—
“(6) A development scheme adopted or amended under this Article must be consistent with the regional development strategy.”.