

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

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

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**EXPLANATORY MEMORANDUM**

**COMMENTARY ON ARTICLES**

*Miscellaneous*

***Article 30 - Status of development plans***

This Article gives prime importance to a development plan in the determination of planning applications. Its effect is that the development plan is no longer simply a consideration to which "regard" must be had; the planning decision itself now has to be made in general conformity with the plan, except where material considerations indicate otherwise. There is, therefore, a presumption in favour of development that accords with the plan and a presumption against development that does not. In all cases, the development plan is the starting point for the determination of planning decisions and its provisions prevail unless material considerations indicate otherwise.

***Article 31 - Powers of Department before the acquisition of land for planning purposes***

This Article introduces a new Article 91A to the Planning (NI) Order 1991 to enable the Department for Social Development (DSD) to enter into development agreements where it intends to acquire land in connection with a development scheme, or in the interests of the proper planning of an area, and has initiated the requisite statutory process. Where that Department is working in partnership with a developer, such agreements are beneficial in terms of giving a developer comfort to expend money in working up a detailed scheme and giving DSD comfort that it has a partner on board who will fund and implement the scheme and indemnify costs at an early stage. An agreement in advance of acquisition can also set the basis on which the land would be transferred at some future date subject in the usual way to the satisfaction of specific contingencies.

***Article 32 - Planning Appeals Commission***

This Article specifies, for the first time, the post of Deputy Chief Commissioner. It also makes specific provision to allow rules of procedure to be made governing the number of commissioners who will be required to make a decision on a planning appeal or to make a report to the Department on a public inquiry.

***Article 33- Grants for research and bursaries***

This Article extends to the planning and design of the built environment an existing power which the Department has to make grants for assisting establishments engaged in promoting or assisting research relating to, and education with respect to the physical environment.

***Article 34 - Grants to bodies providing assistance in relation to certain development proposals***

This Article provides the Department with powers to enable it to provide funding to bodies, which may include building preservation trusts, who have among their principal objectives, furthering

*This Explanatory Memorandum refers to the Planning  
Amendment (Northern Ireland) Order 2003No. 430 (N.I. 8)*

the preservation, conservation and enhancement of historic buildings. This could include funding to enable the acquisition of buildings considered to be at risk.

***Article 35 - Planning register***

In addition to those matters already listed in Article 124 of the Planning (NI) Order 1991, this Article requires the Department to keep registers available for public inspection detailing those notices that it issues:

- under Article 66A;
- in relation to breach of a condition;
- under Article 83A or 83B; and
- in relation to building preservation.

***Article 36 - Home loss payments following planning blight***

This Article amends the Home Loss Payments (Northern Ireland) Order 1992 to allow a home loss payment to be made to owner occupiers who have served a blight notice on the Department under the provisions of the Planning Blight Compensation (Northern Ireland) Order 1981.

***Article 37 - Minor and consequential amendments and appeals***

This Article makes provision for minor and consequential amendments to be made in Schedules 1 and 2 to the Order.

***Schedule 1: Minor and consequential amendments***

This Schedule makes minor and consequential amendments to the Planning (Northern Ireland) Order 1972 and the Planning (Northern Ireland) Order 1991, as required by the new provisions inserted by the Order.

***Schedule 2: Repeals***

This Schedule details those Articles of both the Planning (Northern Ireland) Order 1972 and the Planning (Northern Ireland) Order 1991 which are repealed by this Order.