
STATUTORY INSTRUMENTS

1990 No. 1510

**The Planning and Building Regulations
(Amendment) (Northern Ireland) Order 1990**

PART II

PLANNING

Amendments to other enactments relating to planning

Appeal to planning appeals commission under Article 43 of the Roads (Northern Ireland) Order 1980

27. In the Roads (Northern Ireland) Order 1980(1) for Article 43 there shall be substituted the following Article—

“Appeal against decision of Department under Article 42

43.—(1) Any person aggrieved by a decision of the Department under Article 42 to withhold consent or to impose any condition on such consent may, within twenty-one days of receiving notice of the decision, appeal to the planning appeals commission by notice in writing under this Article.

(2) Before determining an appeal under this Article the planning appeals commission shall, if either the appellant or the Department so desires, afford to each of them an opportunity of appearing before and being heard by the commission.

(3) Every notice of appeal to the planning appeals commission under this Article shall be accompanied by such fee (if any) as the Department may by regulations prescribe.”.

Effect on planning permission of modification or termination of enterprise zone scheme

28. For Article 16 of the Enterprise Zones (Northern Ireland) Order 1981(2) there shall be substituted the following Article—

“Effect on planning permission of modification or termination of scheme

16.—(1) Modifications to a scheme do not affect planning permission under the scheme in any case where the development authorised by it has been begun before the effective date of modification.

(2) Upon an area ceasing to be an enterprise zone planning permission under the scheme shall cease to have effect except in a case where the development authorised by it has been begun.

(3) Paragraphs (2) to (6) of Article 28 of the Planning (Northern Ireland) Order 1972 (termination of planning permission if completion of development is unreasonably delayed) shall apply to planning permission under the scheme where development has been begun but not completed by the time the area ceases to be an enterprise zone.

(4) Article 27(1) of that Order shall apply in determining for the purposes of this Article when development shall be taken to be begun.”.

Application of certain planning enactments to Crown land

29.—(1) After Article 15 of the Planning Blight (Compensation) (Northern Ireland) Order 1981(3) there shall be inserted the following Article—

“Application to Crown land

15A.—(1) The rights conferred by this Order shall be exercisable by a person who is an owner-occupier of a hereditament or agricultural unit which is Crown land, or is a resident owner-occupier of a hereditament which is Crown land, in the same way as they are exercisable in respect of a hereditament or agricultural unit which is not Crown land, and this Order shall apply accordingly.

(2) In paragraph (1) “Crown land” has the same meaning as in Part XIVA of the Order of 1972.”.

(2) Where there is a Crown estate in any land, the provisions of the Act of 1965 and of Articles 64 to 66 of the Planning Order shall have effect in relation to any private estate as if the Crown estate were a private estate.

(3) In paragraph (2) “Crown estate” and “private estate” have the same meanings as in Part XIVA of the Planning Order.

Amendments, transitional provisions and repeals

30.—(1) The statutory provisions set out in Part I of Schedule 1 shall have effect subject to the minor and consequential amendments specified in that Part.

(2) The transitional provisions in Schedule 2 shall have effect.

(3) The statutory provisions set out in Part I of Schedule 3 (which include certain provisions which are spent or no longer of any practical utility) are hereby repealed to the extent specified in the third column of that Part.