
STATUTORY INSTRUMENTS

1991 No. 1220

The Planning(Northern Ireland) Order 1991

PART XIII

MISCELLANEOUS AND SUPPLEMENTARY

Rights of entry

121.—(1) Any person duly authorised in writing by the Department may at any reasonable time enter any land for the purpose—

- (a) of surveying it in connection with—
 - (i) the making, altering, repealing or replacing of a development plan relating to the land under Part III;
 - (ii) the making or altering of a simplified planning zone scheme relating to the land;
 - (iii) the preparation, adoption or amendment of a development scheme relating to the land under Part VII;
 - (iv) any application under Part IV or V, or under any order or regulations made thereunder, for any permission, consent, agreement, approval or determination to be given or made in connection with that land or any other land under Part IV or V or under any such order or regulations;
 - (v) any proposal by the Department to make, issue or serve any order or notice under Part IV, V or VI, or under any order or regulations made thereunder, or any notice under Article 109(4);
- (b) of surveying any building on the land in connection with a proposal to include the building in, or exclude it from, a list compiled under Article 42;
- (c) of ascertaining—
 - (i) whether an offence has been or is being committed on the land under Article 44, 49 or 61;
 - (ii) whether any listed building on the land is being maintained in a proper state of repair;
 - (iii) whether the functions conferred by Article 80 should or may be exercised in connection with the land;
 - (iv) whether any order or notice made, issued or served as mentioned in sub-paragraph (a) (iv) in respect of the land has been complied with;
- (d) of displaying a notice in accordance with Article 73(5) or (6);
- (e) of exercising any of the functions conferred by Article 80.

(2) Any member of the planning appeals commission may at any reasonable time enter any land for the purpose of surveying it in connection with the exercise of the functions of the commission under this Order.

(3) Any person, being an officer of the Valuation Office of the Department of Finance and Personnel or a person duly authorised in writing by the Department, may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with—

- (a) any proposal to acquire that land or any other land under this Order or any claim for compensation in respect of any such acquisition;
- (b) any claim for compensation in respect of that land under Article 65A or 66A of the Planning (Northern Ireland) Order 1972.

(4) Any power conferred by this Article to survey land shall be construed as conferring power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein, but a person shall not carry out any works authorised by virtue of this paragraph unless notice of his intention to do so was included in the notice required by Article 122(1)(b).