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## STATUTORY INSTRUMENTS

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# 1991 No. 1220

## The Planning (Northern Ireland) Order 1991

### PART I

#### INTRODUCTORY

##### Title and commencement

- 1.—(1) This Order may be cited as the Planning (Northern Ireland) Order 1991.
- (2) Subject to paragraph (3), this Order shall come into operation on the expiration of 3 months from the day on which it is made.
- (3) Articles 28, 53 to 63 and 81 shall come into operation on such day or days as the Head of the Department may by order appoint<sup>F1</sup>.

**F1** fully exercised SR 1992/264; 1993/276

##### Interpretation

2.—(1) [<sup>F2</sup>Subject to Article 112E(2),] 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.

[<sup>F3</sup>(2) In this Order, “the Department”—

- (a) in relation to any function under, or for the purposes of, Part 7, and so far as relating to that Part, Articles 102 to 104, 121, 122, 125, 125A and 130, means the Department for Social Development;
- (b) in relation to any function under, or for the purposes of, Articles 100 and 101 and Article 103 so far as relating to the making of an order under Article 100, means the Department for Regional Development.]

[<sup>F4</sup>(2A) Section 250(1) of the Planning Act (Northern Ireland) 2011, in so far as it relates to the definition of words or expressions used in that Act and in this Order, shall apply for the purposes of this Order as it applies for the purposes of that Act.]

(3) For the purposes of section 42(3) of the Northern Ireland Constitution Act 1973 (validity of Orders in Council under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972) provisions of this Order which re-enact provisions of an Order in Council under the said section 1(3) shall be deemed to be provisions of such an Order.

**F2** Words in art. 2(1) inserted (10.6.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(4), 21(3), **Sch. 1 para. 1**

**F3** Art. 2(2) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 6 para. 55(a)** (with s. 211); S.R. 2015/49, arts. 2, 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

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**Changes to legislation:** The Planning (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**F4** Art. 2(2A) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 6 para. 55\(b\)](#) (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**Service of Notices and Documents**

**F5 2A.** .....

**F5** Art. 2A repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**PART II**

**FUNCTIONS OF DEPARTMENT OF THE ENVIRONMENT  
WITH RESPECT TO DEVELOPMENT OF LAND**

**General functions of Department of the Environment with respect to development of land**

**F6 3.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**PROSPECTIVE**

**[F7] Statement of community involvement**  
**F6 3A).** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)  
**F7** Art. 3A inserted (prosp.) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(3), 3

**PART III**

**DEVELOPMENT PLANS**

**Modifications etc. (not altering text)**  
**C1** Pt. III: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\), art. 1\(2\), Sch. 5 Pt. 2](#) (with art. 9(2))

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## Development plans

4.—(1) The Department may at any time make a development plan for any area or alter, repeal or replace a development plan adopted by it for any area.

[<sup>F8</sup>(1A) A development plan for an area must be [<sup>F9</sup> in general conformity with] the regional development strategy.]

(2) A development plan for an area shall consist of—

- (a) a map and a written statement formulating, in such detail as the Department thinks appropriate, proposals for the development or other use of land in the area to which the plan relates; and
- (b) such diagrams, illustrations and descriptive matter as the Department thinks appropriate to explain or illustrate the proposals in the plan.

<sup>F10</sup>(3) Where a development plan has not been adopted for an area, any provision of this Order which requires or authorises regard to be had to the development plan shall have effect in relation to that area as if any reference to the development plan were omitted.

**F8** 1999 NI 4

**F9** 2003 NI 8

**F10** prosp. insertion by 2003 NI 8

## Publicity and consultation

5.—(1) Where the Department proposes to make, alter, repeal or replace a development plan for an area, it shall proceed in accordance with this Article, unless Article 6 (which provides a short procedure for certain alterations, etc.) applies.

(2) The Department shall consult with the district council for the area or any part of the area to which the plan or proposed plan relates.

(3) The Department shall take such steps as will in its opinion secure—

- (a) that adequate publicity is given, in the area to which the plan or proposed plan relates, to the Department's proposals or to the issues involved;
- (b) that persons who may be expected to wish to make representations to the Department about those proposals or issues are made aware that they are entitled to do so;
- (c) that such persons are given an adequate opportunity of making such representations,

and the Department shall consider any representations made to it within the prescribed period.

(4) The Department shall then prepare the relevant documents, that is, the plan, alterations, instrument of repeal or replacement plan, as the case may be, and shall make copies of the documents available for inspection at such places as the Department considers appropriate.

(5) Each copy of the documents made available for inspection shall be accompanied by a statement of the prescribed period within which objections may be made to the Department.

(6) The Department shall then take such steps as may be prescribed for the purpose of advertising—

- (a) the fact that the documents are available for inspection;
- (b) the places and times at which, and period during which, they may be inspected; and
- (c) the prescribed period within which objections may be made to the Department.

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### Publicity and consultation-short procedure for certain alterations, etc.

6.—(1) Where the Department proposes to alter, repeal or replace a development plan for an area and it appears to the Department that the issues involved are not of sufficient importance to warrant the full procedure set out in Article 5, the Department may proceed instead in accordance with this Article.

(2) The Department shall consult with the district council for the area or any part of the area to which the plan relates.

(3) The Department shall prepare the relevant documents, that is, the alteration, instrument of repeal or replacement plan, as the case may be, and shall make copies of the documents available for inspection at such place as the Department considers appropriate.

(4) Each copy of the documents made available for inspection shall be accompanied by a statement of the prescribed period within which representations or objections may be made to the Department.

(5) The Department shall then take such steps as may be prescribed for the purpose of—

- (a) advertising the fact that the documents are available for inspection and the places and times at which, and period during which, they may be inspected; and
- (b) inviting the making of representations or objections in accordance with regulations,

and shall consider any representations or objections made to it within the prescribed period.

### [<sup>F11</sup>Independent examination

7.—(1) The Department may cause an independent examination to be carried out by the planning appeals commission for the purpose of considering objections to a development plan or to the alteration, repeal or replacement of a development plan.

(2) Any person who makes objections to a development plan or to the alteration, repeal or replacement of a development plan shall, if he so requests, be given the opportunity to appear before and be heard by the planning appeals commission.]

**F11** Art. 7 substituted (17.10.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(3)(a), **5(1)**; S.R. 2006/381, **art. 2**

### Adoption by Department

8.—(1) After the expiry of the period afforded for making objections to a development plan or to the alteration, repeal or replacement of a development plan or, if such objections have been duly made within that period, after considering the objections so made, and, where [<sup>F12</sup>an independent examination] is held, the report of the planning appeals commission, the Department may by order adopt the plan, alteration, repeal or replacement in whole or in part (whether with or without modifications) or reject it.

(2) A development plan or any alteration, repeal or replacement of a development plan shall become operative on a date appointed for the purpose in the order under paragraph (1) adopting the plan or the alteration, repeal or replacement.

**F12** Words in art. 8(1) substituted (17.10.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(3)(a), **5(2)**; S.R. 2006/381, **art. 2**

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## Incorporation in development plans of certain orders and schemes

9.—(1) Any development plan for an area which includes land to which an order or scheme listed in paragraph (2) relates shall have effect as if the provisions of the order or scheme were included in the plan.

(2) The orders and schemes mentioned in paragraph (1) are—

- (a) an order under section 1 of the New Towns Act (Northern Ireland) 1965;
- (b) an order under Article<sup>F13</sup> 14 or 15] of the Roads (Northern Ireland) Order<sup>F13</sup> 1993];
- (c) a redevelopment scheme approved under Article 49 of the Housing (Northern Ireland) Order 1981;
- (d) an enterprise zone scheme;
- (e) a simplified planning zone scheme; and
- (f) a development scheme adopted under Article 86.

**F13** 1993 NI 15

## Regulations as to development plans

10. Without prejudice to Articles 4 to 9, the Department may make regulations with respect to—

- (a) the form and content of development plans; and
- (b) the procedure to be followed in connection with the making, alteration, repeal and replacement of development plans.

PROSPECTIVE

### <sup>F14</sup>Sustainable development

10A.—(1) Where the Department or the planning appeals commission exercises any function under Article 3(1) or this Part, the Department or, as the case may be, the commission shall exercise that function with the objective of contributing to the achievement of sustainable development.

(2) For the purposes of paragraph (1) the Department and the commission shall have regard to policies and guidance issued by—

- (a) the Department;
- (b) the Department for Regional Development.]

**F14** Art. 10A inserted (prosp.) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(3)(a), 6

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## PART IV PLANNING CONTROL

### “Development” and requirement of planning permission

#### Meaning of “development”

<sup>F6</sup>**11.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

#### Development requiring planning permission

<sup>F6</sup>**12.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

### Development orders

#### Development orders

<sup>F6</sup>**13.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

### Simplified planning zone schemes

#### Simplified planning zones

<sup>F6</sup>**14.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

#### Simplified planning zone schemes: conditions and limitations on planning permission

<sup>F6</sup>**15.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

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## Duration of simplified planning zone scheme

<sup>F6</sup>16. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Alteration of simplified planning zone scheme

<sup>F6</sup>17. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Exclusion of certain descriptions of land

<sup>F6</sup>18. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Grant of planning permission in enterprise zones

### Grant of planning permission in enterprise zones

<sup>F6</sup>19. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Planning applications

### Form and content of applications

<sup>F6</sup>20. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

### Publication of notices of applications

<sup>F6</sup>21. ....

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**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Notification of applications to certain persons**

<sup>F6</sup>**22.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Notice requiring planning application**

<sup>F6</sup>**23.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Appeal against notice under Article 23**

<sup>F6</sup>**24.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Determination of planning applications

**Determination of planning applications**

<sup>F6</sup>**25.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**[<sup>F15</sup>Power to decline to determine subsequent application**

<sup>F6</sup>**25A].** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)  
**F15** Arts. 25A, 25AA substituted (10.6.2006) for art. 25A by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(4), **9(1)** (with (5))



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**[<sup>F16</sup>Power to decline to determine overlapping application**

**<sup>F6</sup>25AA].** . . . . .

- F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)
- F16** Arts. 25A, 25AA substituted (10.6.2006) for art. 25A by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(4), **9(1)** (with art. 9(5))

**Assessment of environmental effects**

**<sup>F6</sup>25B.** . . . . .

- F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Duty to draw attention to certain provisions for benefit of disabled**

**<sup>F6</sup>26.** . . . . .

- F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Conditional grant of planning permission**

**<sup>F6</sup>27.** . . . . .

- F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**PROSPECTIVE**

**[<sup>F17</sup>Power to impose aftercare conditions on grant of mineral planning permission**

**<sup>F6</sup>27A].** . . . . .

- F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)
- F17** Art. 27A inserted (prosp.) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(3)(d), **26**

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**Permission to develop land without compliance with conditions previously attached**

**F628.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**Planning permission for development already carried out**

**F628A.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

*Art. 29 rep. by 2003 NI 8*

**Effect of planning permission**

**F630.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**Special procedure for major planning applications**

**F631.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Appeals

**Appeals**

**F632.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**Appeal in default of planning decision**

**F633.** .....

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### Duration of planning permission

#### Duration of planning permission

**F6** **34.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

#### Duration of outline planning permission

**F6** **35.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

#### Provisions supplementary to Articles 34 and 35

**F6** **36.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

#### Termination of planning permission by reference to time limit

**F6** **37.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Revocation or modification of planning permission

#### Revocation or modification of planning permission

**F6** **38.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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Additional powers of control

**Orders requiring discontinuance of use or alteration or removal of buildings or works**

**F639.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Planning agreements**

**F640.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Modification and discharge of planning agreements**

**F640A.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Appeals**

**F640B.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

*Art. 41 rep. by 2003 NI 8*

**PART V**

**ADDITIONAL PLANNING CONTROL**

**Buildings of special architectural or historic interest**

**Lists of buildings of special architectural or historic interest**

**F642.** .....

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**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Temporary listing: building preservation notices

**F6**42A. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Temporary listing in urgent cases

**F6**42B. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Lapse of building preservation notices

**F6**42C. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Issue of certificate that building is not intended to be listed

**F6**43. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Control of works for demolition, alteration or extension of listed buildings

**F6**44. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Provisions supplementary to Article 44

**F6**45. ....

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**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Duration of listed building consent**

<sup>F6</sup>**46.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Revocation or modification of listed building consent**

<sup>F6</sup>**47.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Applications to determine whether listed building consent required**

<sup>F6</sup>**48.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Acts causing or likely to result in damage to listed buildings**

<sup>F6</sup>**49.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Areas of special architectural or historic interest

**Conservation areas**

<sup>F6</sup>**50.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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## Control of demolition in conservation areas

<sup>F6</sup>51. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Grants in relation to conservation areas

<sup>F6</sup>52. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Hazardous substances

### Requirement of hazardous substances consent

<sup>F6</sup>53. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

### Applications for hazardous substances consent

<sup>F6</sup>54. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

### Determination of applications for hazardous substances consent

<sup>F6</sup>55. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

### Special procedure for major applications

<sup>F6</sup>56. ....

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**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Appeals**

**F6**57. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Grant of hazardous substances consent without compliance with conditions previously attached**

**F6**58. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Revocation or modification of hazardous substances consent**

**F6**59. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Effect of hazardous substances consent and change of control of land**

**F6**60. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Offences**

**F6**61. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Emergencies**

**F6**62. ....



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**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Health and safety requirements**

<sup>F6</sup>**63.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

PROSPECTIVE

**[<sup>F18</sup>Review of mineral planning permissions**  
<sup>F6</sup>**63A].** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)  
**F18** Art. 63A inserted (prosp.) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(3)(d), **27(1)**

Trees

**Duty of Department in relation to trees**

<sup>F6</sup>**64.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Tree preservation orders**

<sup>F6</sup>**65.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Provisional tree preservation orders**

<sup>F6</sup>**65A.** . . . . .

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**Replacement of trees**

**F6** **65B.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Penalties for contravention of tree preservation orders**

**F6** **66.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Preservation of trees in conservation areas**

**F6** **66A.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Power to disapply Article 66A**

**F6** **66B.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Advertisements**

**Control of advertisements**

**F6** **67.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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## PART VI ENFORCEMENT

*[<sup>F19</sup>Introductory]*

**F19** 2003 NI 8

### Expressions used in connection with enforcement

**<sup>F6</sup>67A.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Time limits

**<sup>F6</sup>67B.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

*[<sup>F20</sup>Planning contravention notices]*

**F20** 2003 NI 8

### Power to require information about activities on land

**<sup>F6</sup>67C.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Penalties for non-compliance with planning contravention notice

**<sup>F6</sup>67D.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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[<sup>F21</sup>Temporary stop notices]

**F21** Arts. 67E-67G and preceding cross heading inserted (10.6.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(4), **13(1)**

**Temporary stop notice**

<sup>F6</sup>**67E.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Temporary stop notice: restrictions**

<sup>F6</sup>**67F.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Temporary stop notice: offences**

<sup>F6</sup>**67G.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Enforcement notices

**Issue of enforcement notice**

<sup>F6</sup>**68.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Contents and effect of enforcement notice**

<sup>F6</sup>**68A.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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## Variation and withdrawal of enforcement notices

**F668B.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Appeal against enforcement notice

**F669.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Appeal against enforcement notice-general supplementary provisions

**F670.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Appeal against enforcement notice – supplementary provisions relating to planning permission

**F671.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Offence where enforcement notice not complied with

**F672.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Power to stop further development pending proceedings on enforcement notice

**F673.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

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**Execution and cost of works required by enforcement notice**

**F674.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Effect of planning permission, etc., on enforcement or breach of condition notice**

**F675.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Enforcement notice to have effect against subsequent development**

**F676.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

*[<sup>F22</sup>Breach of condition]*

**F22** [2003 NI 8](#)

**Enforcement of conditions**

**F676A.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

*[<sup>F23</sup>Injunctions]*

**F23** [2003 NI 8](#)

**Injunctions**

**F676B.** .....

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**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

## Listed buildings

### Listed building enforcement notices

**F677.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Appeal against listed building enforcement notice

**F678.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Effect of listed building consent on listed building enforcement notice

**F679.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

### Urgent works to preserve building

**F680.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

## Hazardous substances

### Hazardous substances contravention notice

**F681.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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**Variation of hazardous substances contravention notices**

**F681A.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Trees

**Enforcement of duties as to replacement of trees**

**F682.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**Appeals against Article 82 notices**

**F682A.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**Execution and cost of works required by Article 82 notice**

**F682B.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**Enforcement of controls as respects trees in conservation areas**

**F682C.** . . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Discontinuance orders

**Enforcement of orders under Article 39**

**F683.** . . . . .



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**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

*[<sup>F24</sup>Certificate of lawful use or development]*

**F24** 2003 NI 8

**Certificate of lawfulness of existing use or development**

**F<sup>6</sup>83A.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Certificate of lawfulness of proposed use or development**

**F<sup>6</sup>83B.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Certificates under Articles 83A and 83B: supplementary provisions**

**F<sup>6</sup>83C.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Offences**

**F<sup>6</sup>83D.** .....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Appeals against refusal or failure to give decision on application**

**F<sup>6</sup>83E.** .....

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**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Further provisions as to appeals under Article 83E**

**F6**83F. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Advertisements

**Enforcement of advertisement control**

**F6**84. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

*[<sup>F25</sup>Rights of entry for enforcement purposes]*

**F25** 2003 NI 8

**Rights to enter without warrant**

**F6**84A. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Right to enter under warrant**

**F6**84B. ....

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Rights of entry: supplementary provisions**

**F6**84C. ....

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**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

## Rights of entry for enforcement purposes: Crown land

**F6**<sup>84D</sup>. . . . .

**F6** Pts. II-VI repealed (1.4.2015 except for the repeal of Pt. III) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

## PART VII

### DEVELOPMENT SCHEMES AND ACQUISITION OF LAND

#### Development schemes

#### Development schemes

**85** <sup>F26</sup>. Where the Department considers it expedient that any area should be developed, redeveloped or improved as a whole the Department may, after consultation with the appropriate district council, prepare a development scheme defining, by reference to a map, the area of the scheme and indicating in general terms the manner in which it is intended that the area should be laid out and the land therein used.

**F26** functions transferred SR 1999/481

#### *[<sup>F27</sup>Power of Department to survey land for purposes of this Part*

**85A** The Department may undertake, or cause to be undertaken, such surveys or studies as it may consider necessary for the purposes of this Part, including surveys or studies relating to any of the following matters—

- (a) the physical 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 development of Northern Ireland or any part thereof or the planning of that development.]

**F27** Art. 85A inserted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 6 para. 56](#) (with s. 211); S.R. 2015/49, arts. 2, 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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## Adoption of development schemes

**86**<sup>F28</sup>.—(1) The Department shall not adopt a development scheme under paragraph (2) or (3) until it has published in two successive weeks in one or more newspapers circulating in the locality to which the scheme relates a notice—

- (a) describing the area to which the scheme relates and referring to the preparation of the scheme;
- (b) specifying the place at which copies of the scheme may be inspected at reasonable times;
- (c) stating the time (not being less than 28 days from the last of the publications of the notice) during which objections to the scheme may be sent to the Department.

(2) If—

- (a) no objections are made to a development scheme; or
- (b) all objections to a development scheme are withdrawn;

the Department may by order adopt the scheme with or without amendment.

(3) If objections made to a development scheme are not withdrawn the Department shall, unless it considers them to be solely of a frivolous or vexatious nature,—

- (a) cause a public local inquiry to be held by the planning appeals commission; and
- (b) consider any objections not withdrawn and the report of that commission;

and may thereafter by order adopt the scheme with or without amendments.

(4) The Department may at any time prepare proposals for amending an adopted development scheme in so far as it relates to the manner in which the area of the development scheme is to be laid out and the land therein used.

(5) The Department may by order adopt any proposals prepared under paragraph (4) with or without amendment and may amend the development scheme accordingly.

[<sup>F29</sup>(6) A development scheme adopted or amended under this Article must be [<sup>F30</sup> in general conformity with] the regional development strategy.]

**F28** functions transferred SR 1999/481

**F29** 1999 NI 4

**F30** 2003 NI 8

Acquisition of land, etc.

## Acquisition of land for planning purposes

<sup>F31</sup>**87**.—(1) [<sup>F32</sup>Subject to paragraph (1A),] the Department may, by agreement or compulsorily, acquire any land where it is satisfied—

- (a) that the land is required in connection with a development scheme; or
- (b) that it is expedient in the public interest that the land should be held together with land so required; or
- (c) that the land is required for development or redevelopment, or both, as a whole for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the redevelopment or improvement of another area as a whole; or
- (d) that it is expedient to acquire the land for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

[<sup>F33</sup>(1A) The Department shall not acquire any estate in Crown land unless—

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- (a) it is an estate which is for the time being held otherwise than by or on behalf of the Crown; and
- (b) the appropriate authority consents to the acquisition.]

(2) Where the Department in exercise of the power conferred on it by paragraph (1) desires to acquire any land otherwise than by agreement, the Department may make an order (in this Article referred to as a “vesting order”) vesting the land in the Department.

(3) Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall, subject to the modifications specified in Schedule 2, apply for the purposes of the acquisition of land by means of a vesting order made under this Article in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act.

(4) The power to make a vesting order in respect of land—

- (a) which is the property of a public body which has power under any transferred provision to acquire land compulsorily; or
- (b) which is declared by or under any transferred provision to be inalienable,

shall not, where representations objecting to the proposal to make the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal to make the vesting order has been approved by a resolution of the Assembly.

(5) Before acquiring any land under paragraph (1) the Department shall consult with the district council in whose area the land is situated.

(6) Proceedings under this Article for the acquisition of land in connection with a development scheme may be taken concurrently (so far as practicable) with proceedings required by Article 86 to be taken for the purpose of the making of an order in relation to that development scheme, so, however, that a vesting order vesting any such land in the Department shall not be made until the order adopting the development scheme has been made.

(7) The Department may appropriate land for the purposes set out in paragraph (1).

<sup>F34</sup>(8) .....

(9) In this Part any reference to the acquisition or appropriation of land for planning purposes is a reference to its acquisition or appropriation under this Article.

[<sup>F35</sup>(10) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).]

<b>F31</b>	functions transferred SR 1999/481
<b>F32</b>	Words in art. 87(1) inserted (10.6.2006) by <a href="#">Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7))</a> , arts. 1(4), 21(3), <b>Sch. 1 para. 5(2)</b>
<b>F33</b>	Art. 87(1A) inserted (10.6.2006) by <a href="#">Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7))</a> , arts. 1(4), 21(3), <b>Sch. 1 para. 5(3)</b>
<b>F34</b>	Art. 87(8) repealed (1.4.2015) by <a href="#">Planning Act (Northern Ireland) 2011 (c. 25)</a> , s. 254(1)(2), <b>Sch. 7</b> (with s. 211); S.R. 2015/49, art. 3, <b>Sch. 1</b> (with <b>Sch. 2</b> ) (as amended (16.3.2016) by S.R. 2016/159, art. 2)
<b>F35</b>	Art. 87(10) inserted (10.6.2006) by <a href="#">Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7))</a> , arts. 1(4), 27(3), <b>Sch. 1 para. 5(4)</b>
<b>Modifications etc. (not altering text)</b>	
<b>C2</b>	Arts. 87-93 applied (with modifications) (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by <a href="#">Planning Act (Northern Ireland) 2011 (c. 25)</a> , <b>ss. 202(3), 254(1)(2)</b> (with s. 211); S.R. 2015/49, arts. 2, 3, <b>Sch. 1</b> (with <b>Sch. 2</b> ) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

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## Compensation where unfit houses are acquired under this Part

<sup>F36</sup>**88** .—(1) Where—

- (a) land is acquired compulsorily or is proposed to be acquired compulsorily by the Department under this Part for the purposes of a development scheme or proposed development scheme; and
- (b) that land comprises a house in respect of which, if the development scheme or proposed development scheme had been a redevelopment scheme under Chapter III of Part III Housing (Northern Ireland) Order 1981 in the opinion of the Department, compensation would be, or would have been, payable in accordance with Article 91 of that Order (compensation for certain land restricted to site value);

the Department may, subject to paragraph (2), make an order, in such form as may be prescribed, declaring the house to be a house to which that Article applies.

(2) Before making an order under this Article, the Department shall serve notice of its intention to make the order and stating the effect of the proposed order on the owner and occupier of the house affected and on any other person who in its opinion would be affected by the order; and if within such period as may be specified in that behalf in the notice (not being less than 28 days from the date of service thereof) any person on whom the notice is served so desires, the Department shall afford to him an opportunity of appearing before and being heard by the planning appeals commission.

(3) Where the Department makes an order under this Article it shall serve a notice on any person mentioned in paragraph (2) stating the general effect of the order.

**F36** functions transferred SR 1999/481

### Modifications etc. (not altering text)

**C2** Arts. 87-93 applied (with modifications) (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), ss. 202\(3\), 254\(1\)\(2\)](#) (with [s. 211](#)); [S.R. 2015/49, arts. 2, 3, Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159, art. 2](#))

## Appropriation of land held for planning purposes

<sup>F37</sup>**89** . Where any land acquired or appropriated by the Department for planning purposes is for the time being held by the Department for those purposes, the Department may appropriate the land for any purpose for which it is or may be authorised in any capacity to acquire land under any transferred provision.

**F37** functions transferred SR 1999/481

### Modifications etc. (not altering text)

**C2** Arts. 87-93 applied (with modifications) (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), ss. 202\(3\), 254\(1\)\(2\)](#) (with [s. 211](#)); [S.R. 2015/49, arts. 2, 3, Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159, art. 2](#))

## Disposal of land held for planning purposes

<sup>F38</sup>**90** .—(1) Where any land acquired or appropriated by the Department for planning purposes is for the time being held by the Department for those purposes, the Department may dispose of the land to such person as may appear to it to be expedient in order to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out thereon, whether by itself or by any other person, or to secure the erection, construction or carrying

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out thereon of any buildings or works appearing to it to be needed for the proper planning of the area in which the land is situated.

(2) The Department shall dispose of any land under this Article so as to secure, so far as may be practicable, to persons who were living or carrying on business or other activities on any such land, who desire to obtain accommodation on such land and who are willing to comply with any requirements of the Department as to the development and use of such land, an opportunity to obtain thereon accommodation suitable to their reasonable requirements.

(3) Section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (which contains provisions with respect to the disposal of land by government departments) shall not apply to the disposal of any land under this Article.

**F38** functions transferred SR 1999/481

**Modifications etc. (not altering text)**

**C2** Arts. 87-93 applied (with modifications) (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), **ss. 202(3), 254(1)(2)** (with [s. 211](#)); [S.R. 2015/49](#), [arts. 2, 3](#), [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), [art. 2](#))

**Development of land held for planning purposes**

<sup>F39</sup>**91** .—(1) The Department may erect, construct or carry out any building or work on any land to which this Article applies.

(2) The Department may enter into an agreement with any person for the development of any land to which this Article applies.

(3) The Department may repair, maintain and insure any buildings or works on land to which this Article applies, and generally deal therewith in a proper course of management.

(4) This Article applies to any land which has been acquired or appropriated by the Department for planning purposes and is for the time being held by it for those purposes.

**F39** functions transferred SR 1999/481

**Modifications etc. (not altering text)**

**C2** Arts. 87-93 applied (with modifications) (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), **ss. 202(3), 254(1)(2)** (with [s. 211](#)); [S.R. 2015/49](#), [arts. 2, 3](#), [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), [art. 2](#))

**[<sup>F40</sup>Powers of Department before the acquisition of land for planning purposes**

**91A.**—(1) Where the Department proposes to acquire land compulsorily for planning purposes it may, at any time after the date of the publication of the notice mentioned in paragraph 2(a) of Schedule 6 to the Local Government Act (Northern Ireland) Act 1972 (as applied by Article 87(3)) in relation to that land—

- (a) enter into an agreement with any person for securing the disposal of the land (in accordance with Article 90) after that land has been acquired for planning purposes;
- (b) exercise the power under paragraph (2) of Article 91 in relation to the land as if the land were land to which that Article applies.]

**F40** 2003 NI 8



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**Modifications etc. (not altering text)**

- C2** Arts. 87-93 applied (with modifications) (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), **ss. 202(3)**, 254(1)(2) (with s. 211); S.R. 2015/49, **arts. 2, 3**, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**Recovery of possession of premises let by Department**

<sup>F41</sup>**92** . On the termination of any tenancy of any premises let by the Department under Article 90 possession of the premises may (without prejudice to any other method of recovery) be recovered by the Department in a summary manner under Articles 67 to 74 of the Magistrates' Courts (Northern Ireland) Order 1981 whatever may be the rent or term of the tenancy.

- F41** functions transferred SR 1999/481

**Modifications etc. (not altering text)**

- C2** Arts. 87-93 applied (with modifications) (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), **ss. 202(3)**, 254(1)(2) (with s. 211); S.R. 2015/49, **arts. 2, 3**, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**Supplementary provisions**

<sup>F42</sup>**93** . Where the Department proposes to acquire land for planning purposes by means of a vesting order, the Department may disregard any objection to the proposed order which, in the opinion of the Department, amounts in substance to an objection to the provisions of the [<sup>F43</sup>local development plan] defining the proposed use of that or any other land.

- F42** functions transferred SR 1999/481

- F43** Words in art. 93 substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 6 para. 57** (with s. 211); S.R. 2015/49, **arts. 2, 3**, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**Modifications etc. (not altering text)**

- C2** Arts. 87-93 applied (with modifications) (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), **ss. 202(3)**, 254(1)(2) (with s. 211); S.R. 2015/49, **arts. 2, 3**, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

<sup>F44</sup>**PART VIII**

**PURCHASE OF ESTATES IN CERTAIN LAND  
AFFECTED BY PLANNING DECISIONS**

- F44** Pt. VIII repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, **art. 3**, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by S.R. 2016/159, art. 2)



## PART IX

### ROADS

#### Orders extinguishing right to use vehicle on road

**100**<sup>F45</sup>.—(1) The Department may, for the purpose of improving the amenity of any area, by order provide for the extinguishment of any right which persons may have to use vehicles on a road, being a road other than a trunk road or a special road.

(2) An order under paragraph (1) may include such provision as the Department thinks fit for permitting the use on the road of vehicles (whether mechanically propelled or not) in such cases as may be specified in the order, notwithstanding the extinguishment of any such right as is mentioned in that paragraph; and any such provision may be framed by reference to particular descriptions of vehicles, or to particular persons by whom, or on whose authority, vehicles may be used, or to the circumstances in which, or the times at which, vehicles may be used for particular purposes.

(3) No provision contained in, or having effect under, any transferred provision, being a provision prohibiting or restricting the use of footpaths, shall affect any use of a vehicle on a road in relation to which an order made under paragraph (1) has effect, where the use is permitted in accordance with provisions of the order included by virtue of paragraph (2).

(4) Where an order is made under paragraph (1) the Department shall place or cause to be placed on or near the road to which the order relates such traffic signs as are necessary—

- (a) to warn traffic that the road is subject to the restrictions or prohibitions specified in the order;
- (b) to indicate the nature and extent of those restrictions or prohibitions.

(5) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of an order made under paragraph (1) shall be guilty of an offence under the<sup>F46</sup> Road Traffic Regulation (Northern Ireland) Order 1997] and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) Where the Department revokes an order under paragraph (1), the effect of the order shall be to reinstate any right to use vehicles on the road, being a right which was extinguished by virtue of the order under that paragraph.

(7) Any order made under this Article may contain provisions for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the road to which the order relates.

(8) This Article shall have effect without prejudice to—

- (a) any power conferred on the Department under any other enactment to authorise the stopping up or diversion of a road; or
- (b) Article 102.

(9) In this Article “traffic sign” and “vehicle” have the same meanings as in the<sup>F46</sup> Road Traffic Regulation (Northern Ireland) Order 1997].

**F45** functions transferred SR 1999/481

**F46** 1997 NI 2

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### Provision of amenity for road reserved to pedestrians

**101**<sup>F47</sup>.—(1) Where in relation to a road an order has been made under Article 100, the Department may carry out and maintain any such works on or in the road, or place on or in it any such objects or structures, as appear to it—

- (a) to be expedient for the purposes of—
  - (i) giving effect to the order;
  - (ii) enhancing the amenity of the road and its immediate surroundings; or
  - (iii) providing a service for the benefit of the public or a section of the public; or
- (b) to be otherwise desirable for a purpose beneficial to the public.

(2) The powers exercisable by the Department under this Article shall extend to—

- (a) laying out any part of the road with lawns, trees, shrubs and flower beds;
- (b) providing toilet facilities and facilities for recreation or refreshment;
- (c) providing trading kiosks and deriving income therefrom; and
- (d) providing directional maps or plans.

[<sup>F48</sup>(2A) The Department may sell, let or otherwise dispose of any trading kiosk placed by it in a road under this Article to any other person.]

(3) The Department may so exercise its powers under this Article as to restrict the access of the public to any part of the road, but shall not so exercise them as—

- (a) to prevent persons from entering the road at any place where they could enter it before the order under Article 100 was made; or
- (b) to prevent the passage of the public along the road; or
- (c) to prevent normal access by pedestrians to premises adjoining the road; or
- (d) to prevent any use of vehicles which is permitted by an order made under that Article and applying to the road; or
- (e) to prevent statutory undertakers from having access to any works of theirs under, in, on, over, along or across the road.

(4) An order under Article 100(6) may make provision requiring the removal of any obstruction of the road resulting from the exercise by the Department of its powers under this Article.

(5) A district council may, with the consent of the Department, exercise any of the powers of the Department under this Article.

**F47** functions transferred SR 1999/481

**F48** 1993 NI 15

### Extinguishment of public rights of way

**102**<sup>F49</sup>.—(1) Where any land has been acquired or appropriated for planning purposes and is for the time being held by the Department for the purposes for which it was acquired or appropriated, the Department may by order extinguish any public right of way over the land where it is satisfied that the extinguishment of the right of way is necessary for the proper development of the land.

(2) In this Article any reference to the acquisition or appropriation of land for planning purposes shall be construed in accordance with Article 87(9) as if this Article were in Part VII.

**F49** functions transferred SR 1999/481

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## Procedure for making orders under Article 100 or 102

<sup>F50</sup>**103.**—(1) Before making an order under Article 100 or 102 the Department shall publish in at least one newspaper circulating in the relevant area a notice—

- (a) stating the general effect of the order;
- (b) specifying a place in the relevant area where a copy of the draft order and of any relevant map or plan may be inspected by any person at all reasonable hours during a period of 28 days from the date of publication of the notice; and
- (c) stating that, within that period, any person may by notice to the Department object to the making of the order.

(2) Not later than the date on which that notice is so published, the Department shall serve a copy of the notice, together with a copy of the draft order and of any relevant map or plan, on—

- (a) every district council in whose area any land to which the order relates is situated;
- (b) any gas [<sup>F51</sup>electricity, water or sewerage] undertakers having any cables, mains, pipes, or wires laid along, across, under or over any land over which a right of way is to be extinguished, under the order; and
- (c) the operator of [<sup>F52</sup> an electronic communications code network] for the purposes of which any [<sup>F52</sup> electronic communications apparatus] is kept installed along, across, under or over any such land.

(3) The Department may cause a public local inquiry to be held by the planning appeals commission to hear objections to the proposed order.

(4) After considering any objections to the order which are not withdrawn and, where a public local inquiry is held, the report of the planning appeals commission, the Department may make the order either without modification or subject to such modifications as it thinks fit.

(5) Where the Department makes an order under Article 100 or 102 the Department shall publish, in the manner specified in paragraph (1), a notice stating that the order has been made, and naming a place where a copy of the order may be seen at all reasonable hours; and paragraph (2) shall have effect in relation to any such notice as it has effect in relation to a notice under paragraph (1).

(6) In this Article “the relevant area”, in relation to an order, means the area in which any land to which the order relates is situated.

**F50** functions transferred SR 1999/481

**F51** Words in art. 103(2) substituted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(1), **Sch. 12 para. 29(4)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

**F52** 2003 c. 21

### Modifications etc. (not altering text)

**C3** Arts. 103, 104 applied by [Laganside Development \(Northern Ireland\) Order 1989 \(S.I. 1989/490 \(N.I. 2\)\)](#), art. 20(6) (as substituted (1.4.2007) by [Laganside Corporation Dissolution Order \(Northern Ireland\) 2006 \(S.R. 2006/527\)](#), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(8)(b)**)

## [<sup>F53</sup>Electronic communications apparatus]

<sup>F54</sup>**104.**—(1) Where an order is made under Article 102 and immediately before the date on which the order became operative there was, under, in, on, over, along or across the right of way any [<sup>F53</sup> electronic communications apparatus] kept installed for the purposes of [<sup>F53</sup> an electronic communications code network], the operator of that [<sup>F53</sup> network] shall have the same powers in

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respect of that apparatus as if the order had not become operative; but the Department shall be entitled to require the alteration of the apparatus.

(2) If the operator of any<sup>F53</sup> [an telecommunications code network] removes any<sup>F53</sup> [electronic communications apparatus] in circumstances in which paragraph (1) applies and serves a notice on the Department notifying the Department of the removal, the operator shall be entitled to recover from the Department the expense of providing in substitution for the apparatus and any<sup>F53</sup> [electronic communications apparatus] connected therewith which is rendered useless in consequence of the removal, any<sup>F53</sup> [electronic communications apparatus] in such other place as the operator may require.

(3) <sup>F55</sup> [Paragraph 108(2)] of the<sup>F53</sup> [electronic communications code] (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this Article as it applies for the purpose of that code.

(4) <sup>F56</sup> [Part 6] of the<sup>F53</sup> [electronic communications code] (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this Article to require the alteration, moving or replacement of any<sup>F53</sup> [electronic communications apparatus] as it applies in relation to an entitlement to require the removal of any such apparatus.

<sup>F57</sup> <sup>F58</sup> [(5) The Communications Act 2003 and the electronic communications code set out in Schedule 3A to that Act apply for the interpretation of this Article and paragraph (2)(c) of Article 103 as it applies for the interpretation of that Act and that code.]]

**F53** 2003 c. 21

**F54** functions transferred SR 1999/481

**F55** Words in art. 104(3) substituted (28.12.2017) by [The Communications Act 2003 and the Digital Economy Act 2017 \(Consequential Amendments to Primary Legislation\) Regulations 2017 \(S.I. 2017/1285\)](#), reg. 1(1), **Sch. 1 para. 28(2)(a)**

**F56** Words in art. 104(4) substituted (28.12.2017) by [The Communications Act 2003 and the Digital Economy Act 2017 \(Consequential Amendments to Primary Legislation\) Regulations 2017 \(S.I. 2017/1285\)](#), reg. 1(1), **Sch. 1 para. 28(2)(b)**

**F57** Art. 104(5) repealed (25.7.2003 for specified transitional purposes and 29.12.2003 for further specified purposes otherwise prosp.) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 19** (with Sch. 18); [S.I. 2003/1900](#), **Sch. 1** (with arts. 3,4,5,6); [S.I. 2003/3142](#), **art. 3(2)**

**F58** Art. 104(5) substituted (28.12.2017) by [The Communications Act 2003 and the Digital Economy Act 2017 \(Consequential Amendments to Primary Legislation\) Regulations 2017 \(S.I. 2017/1285\)](#), reg. 1(1), **Sch. 1 para. 28(2)(c)**

**Modifications etc. (not altering text)**

**C4** Arts. 103, 104 applied by [Laganside Development \(Northern Ireland\) Order 1989 \(S.I. 1989/490 \(N.I. 2\)\)](#), art. 20(6) (as substituted (1.4.2007) by [Laganside Corporation Dissolution Order \(Northern Ireland\) 2006 \(S.R. 2006/527\)](#), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(8)(b)**)

**<sup>F59</sup>PART X**

**FURTHER PROVISIONS AS TO HISTORIC BUILDINGS**

**F59** Pt. X repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 7** (with s. 211); [S.R. 2015/49](#), art. 3, **Sch. 1** (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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## PART XI

### THE PLANNING APPEALS COMMISSION

#### The Planning Appeals Commission

<sup>F60</sup>**110.** . . . . .

**F60** Pt. XI repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), [art. 2](#))

#### Procedure of appeals commission

<sup>F61</sup>**111.** . . . . .

**F61** Pt. XI repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), [art. 2](#))

## PART XII

### APPLICATION OF ORDER TO SPECIAL CASES

#### Minerals

#### Minerals

<sup>F62</sup>**112.** . . . . .

**F62** Art. 112 repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

#### Crown land

#### <sup>F63</sup>Application to the Crown

**112A.**—(1) This Order (except Articles 74, 76B, 80 and 82B) binds the Crown.

(2) But paragraph (1) is subject to express provision made by the following provisions of this Part.

**F63** Arts. 112A-112E inserted (10.6.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(4), [21\(1\)](#)

#### Enforcement in relation to the Crown

**112B.**—(1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Order.

<sup>F64</sup>(2) . . . . .

<sup>F64</sup>(3) . . . . .

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- F64(4) .....
- F64(5) .....
- F64(6) .....
- F64(7) .....

**F63** Arts. 112A-112E inserted (10.6.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(4), **21(1)**

**F64** Arts. 112B(2)-(7) repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**References to an estate in land**

- 112C.**—(1) Paragraph (2) applies to the extent that an estate in land is a Crown estate.
- (2) Anything which requires or is permitted to be done by or in relation to the owner of the estate in land shall be done by or in relation to the appropriate authority.
- (3) A person who is entitled to occupy Crown land by virtue of a licence in writing shall be treated for the purposes of this Article as having an estate in that land.

**F63** Arts. 112A-112E inserted (10.6.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(4), **21(1)**

**Applications for planning permission, etc. by Crown**

<sup>F65</sup>**112D.** .....

**F65** Art. 112D repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Service of notices on the Crown**

- 112E.**—(1) Any notice or other document required under this Order to be served on the Crown shall be served on the appropriate authority.
- (2) Section 24 of the Interpretation Act (Northern Ireland) 1954 (c. 33) does not apply for the purposes of the service of such a notice or document.
- (3) “Appropriate authority” shall be construed in accordance with Article 118(1).]

**F63** Arts. 112A-112E inserted (10.6.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(4), **21(1)**

**Application to Crown land**

**113.** <sup>F66</sup> .....

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**F66** Art. 113 repealed (10.6.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(4), 21(3), 28(2), Sch. 1 para. 8, **Sch. 5**

### Application for planning permission, etc. in anticipation of disposal of Crown land

**114.** <sup>F67</sup> .....

**F67** Art. 114 repealed (10.6.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(4), 21(3), 28(2), Sch. 1 para. 8, **Sch. 5**

### Tree preservation orders in anticipation of disposal of Crown land

**115.** <sup>F68</sup> .....

**F68** Art. 115 repealed (10.6.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(4), 21(3), 28(2), Sch. 1 para. 9(1), **Sch. 5** (with Sch. 1 para. 9(2))

### Control of development on Crown land

**116.** <sup>F69</sup> .....

**F69** Art. 116 repealed (10.6.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(4), 21(3), 28(2), Sch. 1 para. 10(1), **Sch. 5** (with Sch. 1 para. 10(2))

### Requirement of planning permission for continuance of use instituted by Crown

**117.** <sup>F70</sup> .....

**F70** Art. 117 repealed (10.6.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(4), 21(3), 28(2), Sch. 1 para. 11(1), **Sch. 5** (with Sch. 1 para. 11(2))

### Interpretation of Part XII

**118.—**(1) In this Part—

“the appropriate authority”, in relation to any land, means—

- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
- (b) in the case of any other land belonging to Her Majesty in right of the Crown, the government department having the management of that land;
- (c) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that government department;

“conservation area consent” means consent under Article 51;

[<sup>F71</sup>“Crown estate” means any of the following—

- (a) an estate belonging to Her Majesty in right of the Crown;
- (b) an estate belonging to a government department or held in trust for Her Majesty for the purposes of a government department;



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(c) such other estate as the Department may specify by order subject to affirmative resolution;]

“Crown land” means land in which there is a Crown estate;

“government department” means a department of the Government of the United Kingdom or a Northern Ireland department;

“private estate” means an estate which is not a Crown estate.

[<sup>F72</sup>(1A) For the purposes of an application for planning permission made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no estate a reference to the appropriate authority must be construed as a reference to the person who makes the application.]

(2) In this Part references to the disposal of an estate in Crown land include references to the grant of an estate in such land.

(3) <sup>F73</sup> .....

<b>F71</b>	Art. 118(1): definition of "Crown estate" substituted (10.6.2006) by <a href="#">Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7))</a> , arts. 1(4), 21(3), <b>Sch. 1 para. 12(2)</b>
<b>F72</b>	Art. 118(1A) inserted (10.6.2006) by <a href="#">Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7))</a> , arts. 1(4), 21(3), <b>Sch. 1 para. 12(3)</b>
<b>F73</b>	Art. 118(3) repealed (10.6.2006) by <a href="#">Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7))</a> , arts. 1(4), 21(3), 28(2), Sch. 1 para. 12(4), <b>Sch. 5</b>

## PART XIII

### MISCELLANEOUS AND SUPPLEMENTARY

#### Grants for research and bursaries

<sup>F74</sup>**119.** .....

<b>F74</b>	Art. 119 repealed (1.4.2015) by <a href="#">Planning Act (Northern Ireland) 2011 (c. 25)</a> , s. 254(1)(2), <b>Sch. 7</b> (with s. 211); <a href="#">S.R. 2015/49</a> , art. 3, <b>Sch. 1</b> (with <b>Sch. 2</b> ) (as amended (16.3.2016) by <a href="#">S.R. 2016/159</a> , art. 2)
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#### Grants to bodies providing assistance in relation to certain development proposals

<sup>F75</sup>**120.** .....

<b>F75</b>	Art. 120 repealed (1.4.2015) by <a href="#">Planning Act (Northern Ireland) 2011 (c. 25)</a> , s. 254(1)(2), <b>Sch. 7</b> (with s. 211); <a href="#">S.R. 2015/49</a> , art. 3, <b>Sch. 1</b> (with <b>Sch. 2</b> ) (as amended (16.3.2016) by <a href="#">S.R. 2016/159</a> , art. 2)
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#### Rights of entry

**121** <sup>F76</sup>.—(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—



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F77(i) .....

F77(ii) .....

(iii) the preparation, adoption or amendment of a development scheme relating to the land under Part VII;

F78(iv) .....

F78(v) .....

F79(b) .....

F79(c) .....

F79(d) .....

*Sub-para. (e) rep. by 2003 NI 8*

(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;

F80(b) .....

(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).

[F81(5) Where it is proposed to search or bore in pursuance of paragraph (4) in a street within the meaning of the Street Works (Northern Ireland) Order 1995—

(a) Article 15 of that Order (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street which is likely to be affected by the works;

(b) Article 29 of that Order (requirements to be complied with where works likely to affect another person's apparatus in the street); and

(c) Article 42 of that Order (liability for damage or loss caused),

have effect in relation to the searching or boring as if they were street works within the meaning of that Order.]

**F76** functions transferred SR 1999/481  
**F77** Art. 121(1)(a)(i)(ii) repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)  
**F78** Art. 121(1)(a)(iv)(v) repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)  
**F79** Art. 121(1)(b)(c)(d) repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

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- F80** Art. 121(3)(b) repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7 \(with s. 211\); S.R. 2015/49, art. 3, Sch. 1 \(with Sch. 2\) \(as amended \(16.3.2016\) by S.R. 2016/159, art. 2\)](#)
- F81** [1995 NI 19](#)

### Supplementary provisions as to powers of entry

- 122** <sup>F82</sup>.—(1) A person authorised or permitted under Article 121 to enter upon any land—
- (a) shall, if so required, produce evidence of his authority or of his appointment as a member of the planning appeals commission<sup>F83</sup> and state the purpose of his entry] before so entering;
  - (b) shall not demand admission as of right to any land which is occupied unless three days' notice of the intended entry has been given to the occupier.
- (2) Any person who wilfully obstructs a person acting in the exercise of his powers under Article 121 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) If any person who, in compliance with Article 121, is admitted into a factory, workshop or work place discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the survey or estimate for which he was authorised to enter the<sup>F83</sup> land], be guilty of an offence and liable —
- <sup>F83</sup>(a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.]
- (4) Where any property is damaged in the exercise of a right of entry conferred under Article 121, or in the making of a survey for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the property from the Department.
- (5) Any question of disputed compensation recoverable under paragraph (4) shall be determined by the Lands Tribunal.

- F82** functions transferred SR 1999/481
- F83** [2003 NI 8](#)

### <sup>F84</sup>Supplementary provisions as to powers of entry: Crown land

- 122A.**—(1) Article 121 applies to Crown land subject to the following modifications.
- (2) A person shall not enter Crown land unless he has the relevant permission.
  - (3) Relevant permission is the permission of—
    - (a) a person appearing to the person seeking entry to the land to be entitled to give it; or
    - (b) the appropriate authority.
  - (4) In paragraph (4) the words from “, but a person” to the end of that paragraph shall be omitted.
  - (5) Article 122 does not apply to anything done by virtue of this Article.
  - (6) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).]

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**F84** Art. 122A inserted (10.6.2006) by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(4), 21(3), **Sch. 1 para. 4**

### Local inquiries

**F85** **123.** . . . . .

**F85** Art. 123 repealed (1.4.2015) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

### Inquiries to be held in public subject to certain exceptions

**F86** **123A.** . . . . .

**F86** Art. 123A repealed (1.4.2015) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

### National security

**F87** **123B.** . . . . .

**F87** Art. 123B repealed (1.4.2015) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

### Planning register

**F88** **124.** . . . . .

**F88** Art. 124 repealed (1.4.2015) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

### Information as to estates in land

**125** <sup>F89</sup>—(1) For the purpose of enabling the Department to make an order or issue or serve a notice or other document which by any of the provisions of this Order it is authorised or required to make, issue or serve, the Department may by notice in writing require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to give in writing within 21 days after the date on which the notice is served, or such longer time as may be specified in the notice or as the Department may allow, such information as to the matters mentioned in paragraph (2) as may be specified.

(2) The matters referred to in paragraph (1) are—

- (a) the nature of the estate in the premises of the person on whom the notice is served;

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- (b) the name and [<sup>F90</sup>postal] address of any other person known to that person as having an estate in the premises;
  - (c) the purpose for which the premises are being used;
  - (d) the time when that use began;
  - (e) the name and [<sup>F91</sup>postal] address of any person known to the person on whom the notice is served as having used the premises for that purpose; and
  - (f) the time when any activities being carried out on the premises began.
- (3) Any person who, without reasonable excuse, fails to comply with a notice served on him under paragraph (1), shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) Any person who having been required by a notice under paragraph (1) to give any information knowingly makes any misstatement in respect thereof shall be guilty of an offence and liable
- [<sup>F92</sup>(a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.]

**F89** functions transferred SR 1999/481

**F90** Word in art. 125(2)(b) inserted (1.8.2006) by [Planning \(Electronic Communications\) Order \(Northern Ireland\) 2006 \(S.R. 2006/276\)](#), [art. 5\(2\)\(b\)](#)

**F91** Word in art. 125(2)(e) inserted (1.8.2006) by [Planning \(Electronic Communications\) Order \(Northern Ireland\) 2006 \(S.R. 2006/276\)](#), [art. 5\(2\)\(b\)](#)

**F92** 2003 NI 8

### [<sup>F93</sup>Information as to estates in Crown land

- 125A.**—(1) This Article applies to an estate in Crown land which is not a private estate.
- (2) Article 125 does not apply to an estate to which this Article applies.
- (3) For a purpose mentioned in Article 125(1) the Department may request the appropriate authority to give it such information as to the matters mentioned in Article 125(2) as the Department specifies in the request.
- (4) The appropriate authority shall comply with a request under paragraph (3) except to the extent—
- (a) that the matter is not within the knowledge of the authority, or
  - (b) that to do so will disclose information [<sup>F94</sup>as to national security or the measures taken or to be taken to ensure the security of any premises or property] .
- (5) Expressions used in this Article and in Part XII shall be construed in accordance with that Part.]

**F93** Art. 125A inserted (10.6.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(4), 21(3), [Sch. 1 para. 13](#)

**F94** Words in art. 125A(4)(b) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 6 para. 58](#) (with s. 211); S.R. 2015/49, arts. 2, 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

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## Power to appoint advisory bodies or committees

<sup>F95</sup>126. ....

**F95** Arts. 126-129 repealed (1.4.2015 except for the repeal of art. 129(1) for specified purposes) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## [<sup>F96</sup>Fees and charges]

<sup>F95</sup>127. ....

**F95** Arts. 126-129 repealed (1.4.2015 except for the repeal of art. 129(1) for specified purposes) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

**F96** Art. 127 substituted (10.6.2006) by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#), arts. 1(4), **16**

## Time limit for certain summary offences under this Order

<sup>F95</sup>128. ....

**F95** Arts. 126-129 repealed (1.4.2015 except for the repeal of art. 129(1) for specified purposes) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Regulations and orders

<sup>F95</sup>129. ....

**F95** Arts. 126-129 repealed (1.4.2015 except for the repeal of art. 129(1) for specified purposes) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

## Financial provision

**130** <sup>F97</sup>—(1) Any expenses incurred by the Department under this Order shall be defrayed either out of moneys hereafter appropriated for the purposes of defraying such expenses or, if the Department of Finance and Personnel so directs, by means of sums charged on and issued out of the Consolidated Fund.

(2) The Department of Finance and Personnel may borrow moneys for the purpose of providing money for issues out of the Consolidated Fund under paragraph (1).

(3) Any money borrowed under paragraph (2) shall be repaid within any period or periods not exceeding 25 years from the date of borrowing, and provision for such repayment may be made out of moneys thereafter appropriated for that purpose.

**F97** functions transferred SR 1999/481

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## Registration of matters in Statutory Charges Register

<sup>F98</sup> **131.** . . . . .

**F98** Art. 131 repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

## Transitional provisions

<sup>F99</sup> **132.** . . . . .

**F99** Art. 132 repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

*Article 133—Amendments and repeals*

**Status:**

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 5 rev.in pt. by [1997 c. 14 s.3 Sch.1 Pt.II para.7](#)
- Sch.5 rev.in pt. (Prosp.) by [1997 c. 14 s.3Sch.1 Pt.II para.7](#)
- art. 2(2) words inserted by [S.I. 2006/1252 \(N.I.\) art. 27\(4\)](#)
- art. 26 repealed by [S.I. 2006/1252 \(N.I.\) art. 8\(3\)Sch. 5](#)
- art. 127(2)(b) applied by [SI 1997/2778 \(N.I. 19\) art. 58\(1A\) \(as substituted\) by 2011 c. 5 \(N.I.\) s. 8\(3\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 1(1A)(1B) inserted by [S.I. 2006/1252 \(N.I.\) art. 8\(2\)](#)
- art. 4(2A) inserted by [S.I. 2006/1252 \(N.I.\) art. 4\(1\)](#)
- art. 11(2A) inserted by [S.I. 2006/1252 \(N.I.\) art. 7](#)
- art. 20(2A)(2B) inserted by [S.I. 2006/1252 \(N.I.\) art. 8\(1\)](#)
- art. 124(1)(o) added by [S.I. 2006/1252 \(N.I.\) art. 27\(3\)](#)