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## STATUTORY INSTRUMENTS

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# 1991 No. 1220

## The Planning (Northern Ireland) Order 1991

### PART VII

#### DEVELOPMENT SCHEMES AND ACQUISITION OF LAND

##### Development schemes

##### Development schemes

**85** <sup>F1</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.

**F1** functions transferred SR 1999/481

##### *[<sup>F2</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.]

**F2** 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)

##### Adoption of development schemes

**86** <sup>F3</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;

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- (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>F4</sup>(6) A development scheme adopted or amended under this Article must be<sup>F5</sup> in general conformity with] the regional development strategy.]

<b>F3</b>	functions transferred SR 1999/481
<b>F4</b>	1999 NI 4
<b>F5</b>	2003 NI 8

Acquisition of land, etc.

### Acquisition of land for planning purposes

<sup>F6</sup>87.—(1) [<sup>F7</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>F8</sup>(1A) The Department shall not acquire any estate in Crown land unless—

- (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.

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(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>F9</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>F10</sup>(10) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).]

<b>F6</b>	functions transferred SR 1999/481
<b>F7</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>F8</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>F9</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); <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)
<b>F10</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>C1</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)</b> , 254(1)(2) (with s. 211); <a href="#">S.R. 2015/49</a> , arts. 2, 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)

**Compensation where unfit houses are acquired under this Part**

<sup>F11</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

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- (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.

**F11** functions transferred SR 1999/481

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

**C1** 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>F12</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.

**F12** functions transferred SR 1999/481

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

**C1** 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>F13</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 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

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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.

**F13** functions transferred SR 1999/481

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

**C1** 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>F14</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.

**F14** functions transferred SR 1999/481

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

**C1** 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>F15</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.]

**F15** 2003 NI 8

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

**C1** 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)

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## Recovery of possession of premises let by Department

<sup>F16</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.

**F16** functions transferred SR 1999/481

### Modifications etc. (not altering text)

**C1** 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>F17</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>F18</sup>local development plan] defining the proposed use of that or any other land.

**F17** functions transferred SR 1999/481

**F18** 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](#))

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**C1** 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](#))

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