

*These notes refer to the Planning Act (Northern Ireland)
2011 (c.25) which received Royal Assent on 4 May 2011*

Planning Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 11: Application of Act to Crown Land.

Section 211: Application to the Crown

Section 211 applies the provisions of the Act to the Crown with the exception of enforcement functions covered by sections 146, 156, 161 and 166 of the Act, subject to express provisions detailed in the remainder of Part 11. This means that the Crown requires planning permission or consent in accordance with the Act and relevant subordinate legislation.

Section 212: Interpretation of Part 11

This section deals with the interpretation of Part 11 and includes various definitions.

Section 213 Urgent Crown development and section 214 Urgent works relating to listed buildings on Crown land

Section 213 covers instances where development by Crown bodies will be considered to be of significant public importance and require the processing of applications more quickly than permitted by the processing procedures of councils. The new powers aim to streamline the process and provide for the direct submission of planning applications to the Department. A similar procedure is introduced for urgent works to a listed building on Crown land.

Section 215: Enforcement in relation to the Crown

This section provides that the Crown should remain immune from prosecution for any offence under the Act. A council or the Department is able to initiate enforcement action by, for example, serving enforcement notices but is not able to enforce them by entering land or making applications to the court without the consent of the appropriate authority (appropriate authority is defined in section 212 of the Act). In granting such consent the appropriate authority may impose such conditions as it considers relevant. This might mean, for example, that any site visit by the Department has to be accompanied, to take place at a pre-arranged time and/or to exclude certain parts of the site.

Section 216: References to an estate in land

This section deals with references to an estate in land and states that references to an “estate” in land includes a Crown estate.

Section 217: Applications for planning permission, etc. by Crown

This section sets out that, through subordinate legislation, the Department may modify or exclude any statutory provision relating to the making and determination of applications for planning permission or consent etc by the Crown.

Section 218: Service of notices on the Crown

This section deals with the service of notices on the Crown and states that notices under the Planning Act must be served on the appropriate authority. In addition Section 24 of the Interpretation Act (Northern Ireland) 1954 in relation to the service of such notices has been disapplied.