

*Status: Point in time view as at 08/05/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Part 15. (See end of Document for details)*



## 2011 CHAPTER 25

### Part 15

#### Supplementary

#### Interpretation

**250.**—(1) In this Act—

“the Act of 1965” means the Land Development Values (Compensation) Act (Northern Ireland) 1965 (c. 23);

“address” in relation to electronic communications, means any number or address used for such purposes;

“advertisement” means any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the preceding provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“aftercare condition” has the meaning given in section 53(2);

“aftercare scheme” has the meaning given in section 53(3);

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing lands, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

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- “breach of condition notice” has the meaning given in section 152;
- “breach of planning control” has the meaning given in by section 131;
- “building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;
- “buildings or works” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly and references to the removal of buildings or works include demolition of buildings;
- “building operations” has the meaning given in section 23;
- “building preservation notice” has the meaning given in section 81(1);
- “clerk of the council”, in relation to a council, means the clerk appointed in accordance with section 41 of the Local Government Act (Northern Ireland) 1972 (c. 9);
- [<sup>F1</sup>“current community plan” has the same meaning as in Part 10 (community planning) of the Local Government Act (Northern Ireland) 2014;]
- “conservation area” has the meaning given in section 104(12);
- “conservation area consent” has the meaning given in section 105(2);
- “contravention of hazardous substances control” has the meaning given in section 117(2);
- “council”, except in Schedule 5, means a district council;
- “the Department”, except where otherwise specified, means the Department of the Environment;
- “depositing of mineral waste” means any process whereby a mineral working deposit is created or enlarged and “depositing of refuse or waste materials” includes the depositing of mineral waste;
- “development” has the meaning given in section 23;
- “development order” has the meaning given in section 32;
- “electricity undertaker” means a holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992 (NI 1);
- “electronic communication” has the same meaning as in the Electronic Communications Act (Northern Ireland) 2001 (c. 9);
- “enforcement notice” means a notice under section 138 or 139;
- “engineering operations” includes the formation or laying out of means of access to roads;
- “enterprise zone scheme” means a scheme or modified scheme under Part II of the Enterprise Zones (Northern Ireland) Order 1981 (NI 15) having effect to grant planning permission by virtue of section 39;

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“erection” in relation to buildings includes extension, alteration and re-erection;

“gas undertaker” means a holder of a licence under Article 8 of the Gas (Northern Ireland) Order 1996 (NI 2);

“hazardous substances consent” means consent required by section 108;

“hazardous substances contravention notice” has the meaning given in section 162(3);

“lease” includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage, and “leasehold interest” means the interest of the tenant under a lease as so defined;

“listed building” has the meaning given in section 80;

“listed building consent” has the meaning given in section 85;

“listed building enforcement notice” has the meaning given in section 157;

“means of access” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street;

“mineral working deposit” means any deposit of material remaining after materials have been extracted from land or otherwise deriving from the carrying out of operations for the winning and working of minerals in, on or under land;

“minerals” includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or surface working, except that it does not include turf cut for purposes other than sale;

“mining operations” means—

- (a) the winning and working of minerals in, on, or under land whether by surface or underground working; and
- (b) the management of waste resulting from the winning, working, treatment and storage of minerals,

and, for the purposes of paragraph (b), treatment does not include smelting, thermal manufacturing processes (other than the burning of limestone) and metallurgical processes;

[<sup>F2</sup>“Minister”, except where otherwise specified, means the Minister for Infrastructure;]

“mortgage” includes any charge or lien on any property for securing money or money's worth;

“outline planning permission” has the meaning given in section 62(1);

“owner” in relation to land, means a person, other than a mortgagee not in possession, who, whether in his or her own right or as trustee for any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let;

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- “planning contravention notice” has the meaning given in section 133(1);
- “planning decision” means a decision made on an application in accordance with Part 3;
- “planning permission” means permission under Part 3;
- “planning permission granted for a limited period” has the meaning assigned to it by section 52(3);
- “prescribed” means prescribed by regulations under this Act;
- “public body” has the same meaning as in the Local Government Act (Northern Ireland) 1972 (c. 9);
- “purchase notice” means a notice served under section 191;
- “regional development strategy” means the strategy formulated by the Department for Regional Development under the Strategic Planning (Northern Ireland) Order 1999 (NI 4);
- “regulations” means regulations made by the Department;
- “restoration condition” has the meaning given in section 53(2);
- “road” has the same meaning as in the Roads (Northern Ireland) Order 1993 (NI 15) but includes land in respect of which street planning functions, as defined in the Private Streets (Northern Ireland) Order 1980 (NI 12), have been exercised under Article 3(1) of that Order;
- “simplified planning zone” and “simplified planning zone scheme” shall be construed in accordance with section 33;
- “statutory undertaker” means persons authorised by any statutory provision to carry on any railway, road transport, water transport, inland navigation, dock or harbour undertaking, or a gas undertaker or an electricity undertaker, or a universal service provider (within the meaning of the Postal Services Act 2000 (c. 26)) in connection with the provision of a universal postal service (within the meaning of that Act) or the airport operator (within the meaning of the Airports (Northern Ireland) Order 1994 (NI 1)) of any airport to which Article 25 of that Order applies or a water undertaker or sewerage undertaker;
- “stop notice” has the meaning given in section 150;
- “tenancy” includes a tenancy created by an agreement for a lease and a tenancy created under any statutory provision, but does not include—
- (a) a mortgage term; or
  - (b) a tenancy for a year (or any shorter term) or from year to year (or any other periodic tenancy) having reference to any period less than a year; or
  - (c) a tenancy at will;
- “the winning and working of minerals” includes the extraction of minerals from a mineral working deposit;

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“tree preservation order” has the meaning given in section 122;

“trustee” includes an implied or constructive trustee and a personal representative;

“use” in relation to land, does not include the use of land for the carrying out of any building or other operations thereon.

(2) Where—

- (a) an electronic communication is used for the purpose of giving or serving a notice or other document on or to any person for the purposes of this Act, and
- (b) the communication is received by that person outside that person's business hours,

it shall be taken to have been received on the next working day, and in this subsection, “working day” means a day which is not a Saturday, Sunday or a public holiday.

#### Textual Amendments

- F1** Words in s. 250(1) inserted (1.4.2015) by [Local Government Act \(Northern Ireland\) 2014](#) (c. 8), **ss. 77(4)**, 129 (with ss. 77(5), 124(4)); S.R. 2015/209, art. 2, Sch. 1
- F2** Words in s. 250(1) substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016](#) (S.R. 2016/76), art. 1(2), **Sch. 6 para. 87** (with art. 9(2))

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

- C1** S. 250(1) applied by S.I. 1991/1220 (N.I. 11), art. 2(2A) (as 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)

#### Further provision

**251.—**(1) The Department may by order make such supplementary, incidental or consequential provision as it thinks appropriate—

- (a) for the general purposes, or any particular purpose, of this Act;
- (b) in consequence of any provision made by or under this Act, or for giving full effect to it.

(2) The Department may by order make such transitional or transitory provisions and savings as it considers appropriate in connection with—

- (a) the coming into operation of any provision of this Act; or
- (b) any provision made by an order under subsection (1).

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(3) An order under this section may amend, modify or repeal any statutory provision (including a statutory provision restating, with or without modifications, a statutory provision amended by this Act).

(4) An order which does so shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(5) The powers conferred by this section are not restricted by any other provision of this Act.

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

- C2** S. 251: 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))

#### Minor and consequential amendments

**252** The statutory provisions mentioned in Schedule 6 shall have effect with the amendments specified there.

#### Commencement Information

- I1** S. 252 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I2** S. 252 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

#### Repeals

**253** The statutory provisions mentioned in Schedule 7 are repealed to the extent specified in the second column of that Schedule.

#### Commencement Information

- I3** S. 253 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I4** S. 253 in operation at 1.4.2015 for specified purposes by [S.R. 2015/49](#), art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

#### Commencement

**254.**—(1) This Act, apart from this section, section 250, 251 and section 255, shall come into operation on such day or days as the Department may by order appoint.

(2) No order shall be made under subsection (1) in respect of Part 3 unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

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(3) Section 249 comes into operation on Royal Assent.

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**Subordinate Legislation Made**

**P1** S. 254(1) power partly exercised: 1.12.2011 appointed for specified provisions by [S.R. 2011/386, art. 2](#)

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

**C3** [S. 254](#): 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))

**Short title**

**255** This Act may be cited as the Planning Act (Northern Ireland) 2011.

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