



## 2011 CHAPTER 25

### **Part 3**

#### Planning control

##### *Land belonging to councils and development by councils*

#### **Land belonging to councils and development by councils**

**79.—**(1) The provisions listed in subsection (2) shall apply in relation to—

- (a) land of interested councils; and
- (b) the development of any land by interested councils or by such councils jointly with any other persons,

subject to regulations made by virtue of this section.

(2) The provisions are—

- (a) Part 3;
- (b) Part 4 (apart from the provisions of Chapters 1 and 2 of that Part); and
- (c) Part 5.

(3) The regulations may, in relation to such land or such development—

- (a) provide for any of those provisions to apply subject to prescribed exceptions or modifications or not to apply;
- (b) make new provision as to any matter dealt with in any of those provisions.

(4) Without prejudice to subsection (2), the regulations may provide—

- (a) for applications for planning permission to develop such land, or for such development, to be determined by the interested council or by the Department; and

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*Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Cross Heading: Land belonging to councils and development by councils. (See end of Document for details)*

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(b) for the procedure to be followed on such applications, and, in the case of applications falling to be determined by an interested council, they may regulate the council's arrangements for the discharge of its functions, notwithstanding anything in section <sup>F1</sup>6 of the Local Government Act (Northern Ireland) 2014 so far as it relates to an officer of the council] .

(5) The regulations must—

- (a) provide for any provision made by virtue of section 41, 42, 45(2) to (4) or by a development order, to apply to applications for planning permission to develop such land, or for such development, subject to prescribed exceptions or modifications, or
- (b) make corresponding provision to those provisions.

(6) In this section “interested council”, in relation to any land, means any council which exercises any functions of a council under this Act in relation to that land, and, for the purposes of this section, land is land of a council if the council has any estate in it.

(7) This section applies to any consent required in respect of any land as it applies to planning permission to develop land.

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#### **Textual Amendments**

- F1** Words in s. 79(4) substituted (2.6.2014) by [Local Government Act \(Northern Ireland\) 2014](#) (c. 8), s. 129, **Sch. 9 para. 8** (with s. 124(4)); S.R. 2014/153, art. 2, Sch. 1

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

- C1** Pt. 3 applied with modification(s) (1.4.2015) by [The Planning General Regulations \(Northern Ireland\) 2015](#) (S.R. 2015/39), regs. 1(1), **2** (with regs. 3-10)

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#### **Commencement Information**

- I1** S. 79 in operation at 1.2.2015 for specified purposes by [S.R. 2015/25](#), **art. 2**
- I2** S. 79 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/25](#), **art. 3**

**Changes to legislation:**

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Cross Heading: Land belonging to councils and development by councils.