
STATUTORY INSTRUMENTS

1991 No. 1220

The Planning(Northern Ireland) Order 1991

PART VII

DEVELOPMENT SCHEMES AND ACQUISITION OF LAND

Acquisition of land, etc.

Acquisition of land for planning purposes

87.—(1) 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.

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objecting to the proposal to make the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal to make the vesting order has been approved by a resolution of the Assembly.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

(8) Where (whether before or after the coming into operation of this Article) the Department acquires a lesser estate than a fee simple in any land under Article 98, the Department may purchase such estates in the land as it considers appropriate or may make a vesting order in respect of the land under this Article.

(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.