
STATUTORY INSTRUMENTS

1991 No. 1220

The Planning(Northern Ireland) Order 1991

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Planning (Northern Ireland) Order 1991.

(2) Subject to paragraph (3), this Order shall come into operation on the expiration of 3 months from the day on which it is made.

(3) Articles 28, 53 to 63 and 81 shall come into operation on such day or days as the Head of the Department may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“Act” includes an Act of the Parliament of the United Kingdom;

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

“advertisement” means any word, letter, model, sign, placard, board, notice, 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 adapted for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“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;

“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;

“building operations” includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder;

“conservation area” has the meaning assigned to it by Article 50;

“contravention of hazardous substances control” has the meaning assigned to it by Article 61(2);

“the Department” means the Department of the Environment;

“development” has the meaning assigned to it by Article 11;

“development order” has the meaning assigned to it by Article

“enactment” includes an enactment in any local or private Act of Parliament, and an order, rule, regulation, bye-law or scheme made under an Act of Parliament;

“enforcement notice” means a notice under Article 68;

“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 having effect to grant planning permission by virtue of Article 19;

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

“hazardous substances consent” means consent required by Article 53;

“hazardous substances contravention notice” has the meaning assigned to it by Article 81(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 assigned to it by Article 42;

“listed building consent” has the meaning assigned to it by Article 44;

“listed building enforcement notice” has the meaning assigned to it by Article 77;

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

“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 the winning and working of minerals in, on, or under land whether by surface or underground working;

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

“outline planning permission” has the meaning assigned to it by Article 35(1);

“owner” in relation to land, means a person, other than a mortgagee not in possession, who, whether in his 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;

“planning decision” means a decision made on an application in accordance with Part IV;

“planning permission” means permission under Part IV and in construing references to planning permission to develop land or to carry out any development of land, or to applications for such permission regard shall be had to Article 29(2);

“planning permission granted for a limited period” has the meaning assigned to it by Article 27(2);

“prescribed” means prescribed by regulations under this Order;

“public body” has the same meaning as in the Local Government Act (Northern Ireland) 1972;

“purchase notice” means a notice served under Article 94;

“re-location of population or industry”, in relation to any area, means the rendering available elsewhere than in that area (whether in an existing community or a community to be newly

established) of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area and whose continued or resumed location in that area would be inconsistent with the proper planning thereof;

“replacement of open space”, in relation to any area, means the rendering of land available for use as an open space, or otherwise in an undeveloped state, in substitution for land in that area which is so used;

“road” has the same meaning as in the Roads (Northern Ireland) Order 1980 but includes land in respect of which street planning functions, as defined in the Private Streets (Northern Ireland) Order 1980, have been exercised under Article 3(1) of that Order;

“simplified planning zone” and

“simplified planning zone scheme” shall be construed in accordance with Article 14;

“statutory provision” has the same meaning as in the Interpretation Act (Northern Ireland) 1954;

“statutory undertaker” means persons authorised by any statutory provision to carry on any railway, road transport, air transport, water transport, inland navigation, dock or harbour undertaking, or any undertaking for the supply of electricity or gas, or the Post Office;

“stop notice” has the meaning assigned to it by Article 73;

“tenancy” includes a tenancy created by an agreement for a lease and a tenancy created under any enactment, 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;

“transferred provision” has the same meaning as in the Interpretation Act (Northern Ireland) 1954;

“tree preservation order” has the meaning assigned to it by Article 65;

“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.

(3) For the purposes of section 42(3) of the Northern Ireland Constitution Act 1973 (validity of Orders in Council under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972) provisions of this Order which re-enact provisions of an Order in Council under the said section 1(3) shall be deemed to be provisions of such an Order.