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STATUTORY INSTRUMENTS

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**1991 No. 1220**

**The Planning(Northern Ireland) Order 1991**

**PART XIII**

**MISCELLANEOUS AND SUPPLEMENTARY**

**Grants for research and bursaries**

**119.**—(1) The Department may, with the consent of the Department of Finance and Personnel, make grants for assisting establishments engaged in promoting or assisting research relating to, and education with respect to, the planning and design of the physical environment.

(2) For the purpose of enabling persons to undertake a course in town planning, the Department may, with the consent of the Department of Finance and Personnel, make provision for the payment by the Department of sums by way of bursaries in respect of those persons.

**Grants to bodies providing assistance in relation to certain development proposals**

**120.**—(1) The Department may make grants to any body of persons (not being a body carried on for profit) which appears to the Department to have among its principal objectives—

- (a) furthering an understanding of the planning and other technical aspects of proposals made by any body or person for the development, redevelopment or improvement of land; and
- (b) providing assistance to the community, or to a section of the community, in relation to such proposals.

(2) Grants under paragraph (1) shall be of such amounts and subject to such terms and conditions as the Department, with the approval of the Department of Finance and Personnel, thinks fit.

**Rights of entry**

**121.**—(1) Any person duly authorised in writing by the Department may at any reasonable time enter any land for the purpose—

- (a) of surveying it in connection with—
  - (i) the making, altering, repealing or replacing of a development plan relating to the land under Part III;
  - (ii) the making or altering of a simplified planning zone scheme relating to the land;
  - (iii) the preparation, adoption or amendment of a development scheme relating to the land under Part VII;
  - (iv) any application under Part IV or V, or under any order or regulations made thereunder, for any permission, consent, agreement, approval or determination to be given or made in connection with that land or any other land under Part IV or V or under any such order or regulations;

- (v) any proposal by the Department to make, issue or serve any order or notice under Part IV, V or VI, or under any order or regulations made thereunder, or any notice under Article 109(4);
- (b) of surveying any building on the land in connection with a proposal to include the building in, or exclude it from, a list compiled under Article 42;
- (c) of ascertaining—
  - (i) whether an offence has been or is being committed on the land under Article 44, 49 or 61;
  - (ii) whether any listed building on the land is being maintained in a proper state of repair;
  - (iii) whether the functions conferred by Article 80 should or may be exercised in connection with the land;
  - (iv) whether any order or notice made, issued or served as mentioned in sub-paragraph (a) (iv) in respect of the land has been complied with;
- (d) of displaying a notice in accordance with Article 73(5) or (6);
- (e) of exercising any of the functions conferred by Article 80.

(2) Any member of the planning appeals commission may at any reasonable time enter any land for the purpose of surveying it in connection with the exercise of the functions of the commission under this Order.

(3) Any person, being an officer of the Valuation Office of the Department of Finance and Personnel or a person duly authorised in writing by the Department, may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with—

- (a) any proposal to acquire that land or any other land under this Order or any claim for compensation in respect of any such acquisition;
- (b) any claim for compensation in respect of that land under Article 65A or 66A of the Planning (Northern Ireland) Order 1972.

(4) Any power conferred by this Article to survey land shall be construed as conferring power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein, but a person shall not carry out any works authorised by virtue of this paragraph unless notice of his intention to do so was included in the notice required by Article 122(1)(b).

### **Supplementary provisions as to powers of entry**

**122.**—(1) A person authorised or permitted under Article 121 to enter upon any land—

- (a) shall, if so required, produce evidence of his authority or of his appointment as a member of the planning appeals commission before so entering;
- (b) shall not demand admission as of right to any land which is occupied unless three days' notice of the intended entry has been given to the occupier.

(2) Any person who wilfully obstructs a person acting in the exercise of his powers under Article 121 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If any person who, in compliance with Article 121, is admitted into a factory, workshop or work place discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the survey or estimate for which he was authorised to enter the premises, be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months.

(4) Where any property is damaged in the exercise of a right of entry conferred under Article 121, or in the making of a survey for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the property from the Department.

(5) Any question of disputed compensation recoverable under paragraph (4) shall be determined by the Lands Tribunal.

### **Local inquiries**

**123.**—(1) The Department may cause a public local inquiry to be held for the purpose of the exercise of any of its functions under this Order.

(2) Without prejudice to section 23 of the Interpretation Act (Northern Ireland) 1954, the Department may make rules regulating the procedure to be followed in connection with inquiries held by or on behalf of the Department under this Order.

### **Planning register**

**124.**—(1) The Department shall keep, in such manner as may be specified by a development order, one or more registers containing such information as may be so specified with respect to—

- (a) applications made, or deemed to be made, under this Order to the Department or to the planning appeals commission for any permission, consent, approval or determination;
- (b) the manner in which such applications have been dealt with;
- (c) the revocation or modification of any permission or consent granted under this Order;
- (d) enforcement notices, listed building enforcement notices or hazardous substances contravention notices;
- (e) stop notices;
- (f) orders under Article 39;
- (g) hazardous substances consent deemed to be granted under paragraph 4 of Schedule 4;
- (h) simplified planning zones and enterprise zones;
  - (i) directions given by the Department under—
    - (i) Article 51(3);
    - (ii) Article 62; and
    - (iii) any provision included in a development order by virtue of Article 13(4).

(2) Every register kept under paragraph (1) shall be available for inspection by the public at all reasonable hours.

(3) The Department may provide a copy of, or of an extract from, any register kept under this Article to any person on payment of such reasonable charge as the Department may specify.

### **Information as to estates in land**

**125.**—(1) For the purpose of enabling the Department to make an order or issue or serve a notice or other document which by any of the provisions of this Order it is authorised or required to make, issue or serve, the Department may by notice in writing require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to give in writing within 21 days after the date on which the notice is served, or such longer time as may be specified in the notice or as the Department may allow, such information as to the matters mentioned in paragraph (2) as may be specified.

(2) The matters referred to in paragraph (1) are—

- (a) the nature of the estate in the premises of the person on whom the notice is served;
- (b) the name and address of any other person known to that person as having an estate in the premises;
- (c) the purpose for which the premises are being used;
- (d) the time when that use began;
- (e) the name and address of any person known to the person on whom the notice is served as having used the premises for that purpose; and
- (f) the time when any activities being carried out on the premises began.

(3) Any person who, without reasonable excuse, fails to comply with a notice served on him under paragraph (1), shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Any person who having been required by a notice under paragraph (1) to give any information knowingly makes any misstatement in respect thereof shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **Power to appoint advisory bodies or committees**

**126.** The Head of the Department may appoint such advisory bodies or committees as he considers necessary to assist the Department in the exercise and performance of the functions conferred on the Department by this Order.

#### **Fees for planning applications**

**127.—**(1) The Department may by regulations make such provision as it thinks fit for the payment of a fee of the prescribed amount in respect of—

- (a) an application made to the Department under this Order for any permission, consent, approval, determination or certificate;
- (b) an application for planning permission which is deemed to be made to the planning appeals commission under this Order;
- (c) an appeal to the planning appeals commission under this Order;

and every such application to the Department and every notice of appeal to the planning appeals commission shall be accompanied by the prescribed fee (if any).

(2) The regulations may provide for the remission or refunding of a prescribed fee (in whole or in part) in prescribed circumstances.

#### **Time limit for certain summary offences under this Order**

**128.—**(1) Notwithstanding anything in Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981, a magistrates' court shall have jurisdiction to hear and determine a complaint charging the commission of an offence under a provision of this Order specified in paragraph (2) if the complaint is made within 3 years from the time when the offence was committed or ceased to continue.

- (2) The provisions of this Order referred to in paragraph (1) are—
  - (a) Article 66(1);
  - (b) Article 72(1);
  - (c) Article 72(5)(a);
  - (d) Article 73(7).

### **Regulations and orders**

**129.**—(1) The Department may make regulations for prescribing anything which under this Order is authorised or required to be prescribed.

(2) Any regulations made under this Order and orders made under Articles 11(2)(e), 13 and 18(3) shall be subject to negative resolution.

### **Financial provision**

**130.**—(1) Any expenses incurred by the Department under this Order shall be defrayed either out of moneys hereafter appropriated for the purposes of defraying such expenses or, if the Department of Finance and Personnel so directs, by means of sums charged on and issued out of the Consolidated Fund.

(2) The Department of Finance and Personnel may borrow moneys for the purpose of providing money for issues out of the Consolidated Fund under paragraph (1).

(3) Any money borrowed under paragraph (2) shall be repaid within any period or periods not exceeding 25 years from the date of borrowing, and provision for such repayment may be made out of moneys thereafter appropriated for that purpose.

### **Registration of matters in Statutory Charges Register**

**131.** In Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (matters requiring to be registered in the Statutory Charges Register) for entries 27 to 30D there shall be substituted the following entry—

“**27.** Any of the following matters under the Planning (Northern Ireland) Order 1991—

- (a) an entry in a list compiled under Article 42;
- (b) tree preservation orders;
- (c) enforcement notices which take effect in relation to any land;
- (d) listed building enforcement notices which take effect in relation to any land;
- (e) any conditions imposed on the grant of planning permission—
  - (i) relating to the occupancy of a dwelling house; or
  - (ii) requiring that a dwelling house on any land which is under the control of the applicant be demolished or cease to be used as a dwelling house;
- (f) notices under Article 82 which take effect in relation to any land;
- (g) orders under Article 39;
- (h) any designation under Article 50(1),

and any matter under the Planning (Northern Ireland) Order 1972 corresponding to any matter mentioned above.”.

### **Transitional provisions**

**132.** The transitional provisions set out in Schedule 4 shall have effect.

### **Amendments and repeals**

**133.**—(1) The statutory provisions set out in Schedule 5 shall have effect subject to the amendments specified in that Schedule.

(2) The statutory provisions set out in columns 1 and 2 of Schedule 6 are hereby repealed to the extent specified in column 3 of that Schedule.