

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

The Planning (Northern Ireland) Order 1991 (NI 11)

2. In Article 2(2)—
 - (a) after the definition of “agriculture” insert—
 - ““breach of condition notice” has the meaning assigned to it by Article 76A;
 - “breach of planning control” has the meaning assigned to it by Article 67A;”;
 - (b) at the end of the definition of “buildings or works” insert “and references to the removal of buildings or works include demolition of buildings”;
 - (c) for the definition of “building operations” substitute—
 - ““building operations” has the meaning assigned to it by Article 11;
 - “building preservation notice” has the meaning assigned to it by Article 42A(1);”;
 - (d) after the definition of “owner” insert—
 - ““planning contravention notice” has the meaning assigned to it by Article 67C(1);”;
 - (e) in the definition of “planning permission” omit the words from “and in construing” to the end.
3. After Article 28 insert—

“Planning permission for development already carried out

28A.—(1) On an application made to the Department, the planning permission which may be granted includes planning permission for development carried out before the date of the application.

 - (2) Paragraph (1) applies to development carried out—
 - (a) without planning permission;
 - (b) in accordance with planning permission granted for a limited period; or
 - (c) without complying with some condition subject to which planning permission was granted.
 - (3) Planning permission for such development may be granted as to have effect from—
 - (a) the date on which the development was carried out; or
 - (b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.”.
4. Omit Article 29.
5. In Article 32(6) for “ 21 to 28” substitute “21, 22 and 25 to 28A”.

6. In Article 34—
 - (a) in paragraph (1)—
 - (i) after “permission granted” insert “or deemed to be granted”;
 - (ii) after “shall be granted” insert “or, as the case may be, deemed to be granted,”;
 - (iii) after “shall be granted” insert “or, as the case may be, deemed to be granted”;
 - (b) in paragraph (3)(d), for the words from “granted” to the end substitute “granted for development carried out before the grant of that permission”.
7. In Article 39, for paragraph (3) substitute—

“(3) The planning permission which may be granted by an order under this Article includes planning permission, subject to such conditions as may be specified in the order, for development carried out before the date on which the order was made; and planning permission for such development may be granted so as to have effect from—

 - (a) the date on which the development was carried out; or
 - (b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.”.
8. Omit Article 41.
9. In Article 69—
 - (a) in paragraph (2)(a) omit “in writing”;
 - (b) in paragraph (10) for “Article 72(5)” substitute “Article 72”.
10. In Article 70(2) for “informality” substitute “misdescription”.
11. In Article 73—
 - (a) in paragraph (4)(b) for “period allowed for compliance with that” substitute “period for compliance with the”;
 - (b) in paragraph (4)(d) for the words from “included” to the end substitute “relevant activities”;
 - (c) in paragraph (9) for “68(5)” substitute “68”.
12. For Article 75 substitute—

“Effect of planning permission, etc., on enforcement or breach of condition notice

75.—(1) Where, after the service of—

- (a) a copy of an enforcement notice; or
- (b) a breach of condition notice,

planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

(2) Where after a breach of condition notice has been served any condition to which the notice relates is discharged, the notice shall cease to have effect so far as it requires any person to secure compliance with the condition in question.

(3) The fact that an enforcement notice or breach of condition notice has wholly or partly ceased to have effect by virtue of this Article shall not affect the liability of any person for an offence in respect of a previous failure to comply, or secure compliance, with the notice.”.

13. In Article 76—

- (a) in paragraphs (1)(a), (4)(b) and (5) for “demolition”, in each place where it occurs, substitute “removal”;
- (b) in paragraphs (3), (4) and (5) for “demolished”, in each place where it occurs, substitute “removed”;
- (c) in paragraph (5) for “Article 72(1) to (4)” substitute “Article 72(2)”.

14. In Article 77—

- (a) in paragraph (1)(b) omit the words “within such period as may be so specified”;
- (b) in paragraph (6) for “68(5), (12), (14) and (15) and” substitute “68(2) and (3), 68B”.

15. In Article 78, in paragraph (1)(f) for “68(5)” substitute “68(2) and (3)”.

16. In Article 112, in paragraph (2)(b)—

- (a) in head (ii) for “29” substitute “12”;
- (b) in head (iv) after “39” insert “or 40”;
- (c) in head (v) for “68(9), 72(5), 75” substitute “67C, 68A(4), 71, 76A”;
- (d) in head (vi) after “83,” insert “83A or 83B”.

17.—(1) In Article 113, in paragraph (1)(b) after “VI” insert “except Articles 84A and 84B”.

(2) In paragraph (3) of that Article for “no enforcement notice shall be issued under Article 68” substitute “no notice shall be issued or served or any application made under any of the provisions of Articles 67C, 68, 68B, 73, 76A, 76B”.

18. In Article 114—

- (a) in paragraph (1)(b) for “determination under Article 41 or 48” substitute “a determination under Article 48 or a certificate under Article 83B”;
- (b) in paragraphs (2) and (7) after “consent” insert “, certificate”;
- (c) for paragraph (5) substitute—

“(5) Any application made by virtue of this Article for a certificate under Article 83B shall be determined as if the land were not Crown land.”.

19. In Article 122—

- (a) in paragraph (1)(a) after “commission” insert “and state the purpose of his entry”;
- (b) in paragraph (3), for “premises” substitute “land”.

20. In Article 128, in paragraph (2)—

- (a) in sub-paragraph (b) for “72(1)” substitute “72(2)”;
- (b) in sub-paragraph (c) for “72(5)(a)” substitute “72(5)”.