
STATUTORY INSTRUMENTS

2006 No. 1252 (N.I. 7)

NORTHERN IRELAND

The Planning Reform (Northern Ireland) Order 2006

*Made - - - - 9th May 2006
Coming into operation in accordance with Article 1(2)
to (5)*

At the Court at Buckingham Palace, the 9th day of May 2006

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Planning Reform (Northern Ireland) Order 2006.

(2) This Part shall come into operation on the expiration of 7 days from the day on which this Order is made.

(3) The following provisions shall come into operation on such day or days as the Department may by order appoint—

- (a) Articles 3 to 8;
- (b) Article 15;
- (c) Article 28(2) and Schedule 5 so far as relating to Article 26 of the principal Order, the Further Education (Northern Ireland) Order 1997 (NI 15) and Article 30 of the Planning (Amendment) (Northern Ireland) Order 2003 (NI 8);
- (d) Parts III and V.

Status: Point in time view as at 01/04/2015. This version of this Order contains provisions that are prospective.
Changes to legislation: The Planning Reform (Northern Ireland) Order 2006 is up to date with all changes known to be in force on or before 10 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(4) The remaining provisions of this Order shall come into operation on the expiration of one month from the day on which this Order is made.

(5) An order under paragraph (3) may contain such transitional or saving provisions as appear to the Department to be necessary or expedient.

Subordinate Legislation Made
P1 Art. 1(3) power partly exercised: 18.5.2006 appointed for art. 15 by S.R. 2006/222, art. 2; 17.10.2006 for art. 5 by S.R. 2006/381, art. 2

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“the principal Order” means the Planning (Northern Ireland) Order 1991 (NI 11);

“the Department” means the Department of the Environment;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(3) Words and expressions used in this Order and in the principal Order have the same meaning in this Order as they have in that Order.

PART II

PLANNING REFORM

PROSPECTIVE

Statement of community involvement

F13.

Textual Amendments
F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

PROSPECTIVE

Status of development plans

F14.

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Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Independent examination of development plans

5.—(1) For Article 7 of the principal Order (inquiries relating to development plans) substitute—

“Independent examination

7.—(1) The Department may cause an independent examination to be carried out by the planning appeals commission for the purpose of considering objections to a development plan or to the alteration, repeal or replacement of a development plan.

(2) Any person who makes objections to a development plan or to the alteration, repeal or replacement of a development plan shall, if he so requests, be given the opportunity to appear before and be heard by the planning appeals commission.”

(2) In Article 8 of the principal Order (adoption of development plan by Department), in paragraph (1) for “a public local inquiry” substitute “an independent examination”.

(3) In Article 111 of the principal Order (procedure of planning appeals commission)—

(a) in paragraph (2), after “inquiry” wherever that word occurs, insert “, independent examination”;

(b) in paragraph (6)—

(i) for “an inquiry” substitute “an inquiry or independent examination”;

(ii) for “or inquiry” substitute “, inquiry or independent examination”.

PROSPECTIVE

Sustainable development

F16.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

PROSPECTIVE

Development to include certain internal operations

F17.

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Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

PROSPECTIVE

Statements of principles of design and accessibility

F18.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Power to decline to determine applications

F19.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Duration of planning permission and listed building consent

F110.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Removal of discretion to extend time for bringing appeal

F111.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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Conservation areas

^{F1}12.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Temporary stop notice

^{F1}13.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Increase in fines for unlawful advertisements

^{F1}14.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Procedure of Planning Appeals Commission

^{F1}15.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Fees and charges

^{F1}16.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

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PROSPECTIVE

PART III

CORRECTION OF ERRORS

Correction of errors in decision documents

^{F1}17.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Correction notice

^{F1}18.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Effect of correction

^{F1}19.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Supplementary

^{F1}20.

Textual Amendments

F1 Arts. 3-20 repealed (1.4.2015 except for the repeal of art. 5) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

PART IV

CROWN APPLICATION

Crown application

21.—(1) In Part XII of the principal Order before Article 113 (application to Crown land) insert—

“Application to the Crown

112A.—(1) This Order (except Articles 74, 76B, 80 and 82B) binds the Crown.

(2) But paragraph (1) is subject to express provision made by the following provisions of this Part.

Enforcement in relation to the Crown

112B.—(1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Order.

(2) But paragraph (1) does not have effect to prohibit the doing of anything by or on behalf of the Crown which falls within the circumstances described in Article 44(7)(a) to (d).

(3) The Department shall not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.

(4) The appropriate authority may give consent under paragraph (3) subject to such conditions as it thinks appropriate.

(5) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Order.

(6) A step taken for the purposes of enforcement includes—

- (a) entering land;
- (b) bringing proceedings;
- (c) the making of an application.

(7) A step taken for the purposes of enforcement does not include—

- (a) service of a notice;
- (b) the making of an order (other than by a court).

References to an estate in land

112C.—(1) Paragraph (2) applies to the extent that an estate in land is a Crown estate.

(2) Anything which requires or is permitted to be done by or in relation to the owner of the estate in land shall be done by or in relation to the appropriate authority.

(3) A person who is entitled to occupy Crown land by virtue of a licence in writing shall be treated for the purposes of this Article as having an estate in that land.

Applications for planning permission, etc. by Crown

112D.—(1) This Article applies to an application for—

- (a) planning permission, listed building consent, hazardous substances consent or conservation area consent; or
- (b) a determination under Article 48 or a certificate under Article 83B.

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(2) The Department may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.

Service of notices on the Crown

112E.—(1) Any notice or other document required under this Order to be served on the Crown shall be served on the appropriate authority.

(2) Section 24 of the Interpretation Act (Northern Ireland) 1954 (c. 33) does not apply for the purposes of the service of such a notice or document.

(3) “Appropriate authority” shall be construed in accordance with Article 118(1).”

^{F2}(2)

(3) Schedule 1 makes further amendments to the principal Order in relation to the application of that Order to the Crown.

Textual Amendments

F2 Art. 21(2) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); [S.R. 2015/49, art. 3, Sch. 1 \(with Sch. 2\)](#) (as amended (16.3.2016) by [S.R. 2016/159, art. 2](#))

National security

^{F3}**22.**

Textual Amendments

F3 Art. 22 repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); [S.R. 2015/49, art. 3, Sch. 1 \(with Sch. 2\)](#) (as amended (16.3.2016) by [S.R. 2016/159, art. 2](#))

Trees in conservation areas: acts of Crown

^{F4}**23.**

Textual Amendments

F4 Art. 23 repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 7](#) (with s. 211); [S.R. 2015/49, art. 3, Sch. 1 \(with Sch. 2\)](#) (as amended (16.3.2016) by [S.R. 2016/159, art. 2](#))

Subordinate legislation

24.—(1) The Department may by order subject to negative resolution provide that relevant subordinate legislation applies to the Crown.

(2) An order under paragraph (1) may modify such subordinate legislation to the extent that the Department thinks appropriate for the purposes of its application to the Crown.

(3) Relevant subordinate legislation is an instrument which—

- (a) is made under or (wholly or in part) for the purposes of the principal Order;
- (b) is made before the coming into operation of Article 21 of this Order; and

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(c) is specified in the order.

Crown application: transitional

25. Schedule 2 (which makes transitional provision in consequence of the application to the Crown of the principal Order) has effect.

PROSPECTIVE

PART V

MINERAL PLANNING PERMISSIONS

Aftercare conditions

^{F5}26.

Textual Amendments

F5 Art. 26 repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Review of mineral planning permissions

^{F6}27.

Textual Amendments

F6 Art. 27 repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

PART VI

AMENDMENTS AND REPEALS

Amendments and repeals

28.—(1) The statutory provisions set out in Schedule 4 have effect subject to the amendments set out in that Schedule.

(2) The statutory provisions specified in Schedule 5 are repealed to the extent specified there.

Commencement Information

I1 Art. 28 partly in force; [art. 28\(1\)](#) in force at 10.6.2006 and [art. 28\(2\)](#) in force for certain purposes at 10.6.2006 see [art. 1\(3\)\(c\)\(4\)](#)

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A.K. Galloway
Clerk of the Privy Council

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SCHEDULES

SCHEDULE 1

Article 21(3)

CROWN APPLICATION

Service of notices

F71.

Textual Amendments

F7 Sch. 1 paras. 1-3 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Hazardous substances consent

F72.

Textual Amendments

F7 Sch. 1 paras. 1-3 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Rights of entry

F73.

Textual Amendments

F7 Sch. 1 paras. 1-3 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

4. After Article 122 of the principal Order (supplementary provisions as to rights of entry) insert—

“Supplementary provisions as to powers of entry: Crown land

122A.—(1) Article 121 applies to Crown land subject to the following modifications.

(2) A person shall not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of—

(a) a person appearing to the person seeking entry to the land to be entitled to give it; or

(b) the appropriate authority.

(4) In paragraph (4) the words from “, but a person” to the end of that paragraph shall be omitted.

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(5) Article 122 does not apply to anything done by virtue of this Article.

(6) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).”.

Compulsory acquisition

5.—(1) Article 87 of the principal Order (acquisition of land for planning purposes) is amended as follows.

(2) At the beginning of paragraph (1), insert “ Subject to paragraph (1A), ”.

(3) After paragraph (1) insert—

“(1A) The Department shall not acquire any estate in Crown land unless—

(a) it is an estate which is for the time being held otherwise than by or on behalf of the Crown; and

(b) the appropriate authority consents to the acquisition.”.

(4) After paragraph (9) insert—

“(10) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).”.

F86.

Textual Amendments

F8 Sch. 1 paras. 6-11 repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Purchase notices

F87.

Textual Amendments

F8 Sch. 1 paras. 6-11 repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

*Application to Crown land and planning permission
in anticipation of disposal of Crown land*

F88.

Textual Amendments

F8 Sch. 1 paras. 6-11 repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Tree preservation orders

F89.

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Textual Amendments

F8 Sch. 1 paras. 6-11 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Special enforcement notices

F8 10.

Textual Amendments

F8 Sch. 1 paras. 6-11 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Requirement of planning permission for continuance of use instituted by Crown

F8 11.

Textual Amendments

F8 Sch. 1 paras. 6-11 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Definitions

12.—(1) Article 118 of the principal Order is amended as follows.

(2) In paragraph (1) for the definition of “Crown estate” substitute—

““Crown estate” means any of the following—

- (a) an estate belonging to Her Majesty in right of the Crown;
- (b) an estate belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
- (c) such other estate as the Department may specify by order subject to affirmative resolution;”.

(3) After paragraph (1) insert—

“(1A) For the purposes of an application for planning permission made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no estate a reference to the appropriate authority must be construed as a reference to the person who makes the application.”.

(4) Paragraph (3) is omitted.

Information as to estates in land

13. After Article 125 of the principal Order (information as to estates in land) insert—

“Information as to estates in Crown land

125A.—(1) This Article applies to an estate in Crown land which is not a private estate.

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- (2) Article 125 does not apply to an estate to which this Article applies.
- (3) For a purpose mentioned in Article 125(1) the Department may request the appropriate authority to give it such information as to the matters mentioned in Article 125(2) as the Department specifies in the request.
- (4) The appropriate authority shall comply with a request under paragraph (3) except to the extent—
 - (a) that the matter is not within the knowledge of the authority, or
 - (b) that to do so will disclose information as to any of the matters mentioned in Article 123A(3).
- (5) Expressions used in this Article and in Part XII shall be construed in accordance with that Part.”.

SCHEDULE 2

Article 25

CROWN APPLICATION – TRANSITIONAL PROVISIONS

PART 1

PLANNING PERMISSION

Introduction

1. This Part applies to a development if—
 - (a) it is a development for which before the relevant date no planning permission is required,
 - (b) it is not a development or of a description of development for which planning permission is granted by virtue of a development order, and
 - (c) before the relevant date proposed development notice had been given to the Department.
2. In this Part—
 - (a) the relevant date is the date of the coming into operation of Article 21(1);
 - (b) proposed development notice is notice of a proposal for development given by the developer in pursuance of arrangements made by the Department in relation to development by or on behalf of the Crown;
 - (c) the developer is the Crown or a person acting on behalf of the Crown.

Acceptable development

- 3.—(1) This paragraph applies if before the relevant date in pursuance of the arrangements the Department has given notice to the developer that it finds the proposed development acceptable.
 - (2) The notice shall be treated as if it is planning permission granted under Part IV of the principal Order.
 - (3) If the notice is subject to conditions the conditions have effect as if they are conditions attached to the planning permission.

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Changes to legislation: The Planning Reform (Northern Ireland) Order 2006 is up to date with all changes known to be in force on or before 10 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

4.—(1) This paragraph applies if before the relevant date the Department has in pursuance of the arrangements kept a register of proposed development notices.

(2) The register shall be treated as if it is part of the register kept by the Department in pursuance of Article 124 of the principal Order.

Pending proposals

5.—(1) This paragraph applies if before the relevant date—

- (a) proposed development notice has been given, but
- (b) the Department has not given notice to the developer as mentioned in paragraph 3.

(2) The principal Order applies as if the proposal is an application for planning permission duly made under that Order.

PART 2

LISTED BUILDINGS CONSENT AND CONSERVATION AREA CONSENT

Introduction

6. This Part applies to works if—

- (a) they are works for which before the relevant date no listed building consent is required, and
- (b) before the relevant date proposed works notice had been given to the Department.

7. In this Part—

- (a) the relevant date is the date of the coming into operation of Article 21(1);
- (b) proposed works notice is notice of a proposal for works given by the person proposing to carry out the works (the developer) in pursuance of arrangements made by the Department in relation to development by or on behalf of the Crown;
- (c) the developer is the Crown or a person acting on behalf of the Crown.

Acceptable works

8.—(1) This paragraph applies if before the relevant date in pursuance of the arrangements the Department has given notice to the developer that it finds the proposed works acceptable.

(2) The notice shall be treated as if it is listed building consent granted under paragraph (2) or, as the case may be, (3) of Article 44 of the principal Order.

(3) If the notice is subject to conditions the conditions have effect as if they are conditions attached to the consent.

9.—(1) This paragraph applies if before the relevant date the Department has in pursuance of the arrangements kept a register of proposed works notices.

(2) The register shall be treated as if it is part of the register kept by the Department in pursuance of Article 124 of the principal Order.

Pending proposals

10.—(1) This paragraph applies if before the relevant date—

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- (a) proposed works notice has been given, but
 - (b) the Department has not given notice to the developer as mentioned in paragraph 8.
- (2) The principal Order applies as if the proposal is an application for listed building consent duly made under that Order.

11. This Part shall have effect in relation to the demolition of buildings to which Article 51 of the principal Order applies as if the demolition of such buildings were works to which this Part applies.

PART 3

HAZARDOUS SUBSTANCES

12.—(1) This paragraph applies if at any time during the establishment period a hazardous substance was present on, over or under Crown land.

(2) The appropriate authority shall make a claim in the prescribed form before the end of the transitional period.

(3) The claim shall contain the prescribed information as to—

- (a) the presence of the substance during the establishment period;
- (b) how and where the substance was kept and used.

(4) Unless sub-paragraph (5) or (7) applies, the Department is deemed to have granted the hazardous substances consent claimed in pursuance of sub-paragraph (2).

(5) This sub-paragraph applies if the Department thinks that a claim does not comply with sub-paragraph (3).

(6) If sub-paragraph (5) applies, the Department shall, before the end of the period of two weeks from its receipt of the claim—

- (a) notify the claimant that in the Department's opinion the claim is invalid;
- (b) give the claimant the Department's reasons for that opinion.

(7) This sub-paragraph applies if at no time during the establishment period was the aggregate quantity of the substance equal to or greater than the controlled quantity.

(8) Hazardous substances consent which is deemed to be granted under this paragraph is subject—

- (a) to the condition that the maximum aggregate quantity of the substance that may be present for the purposes of this sub-paragraph at any one time shall not exceed the established quantity;
- (b) to such other conditions (if any) as are prescribed for the purposes of this paragraph and are applicable in the case of the consent.

(9) A substance is present for the purposes of sub-paragraph (8)(a) if—

- (a) it is on, over or under land to which the claim for consent relates,
- (b) it is on, over or under other land which is within 500 metres of it and is controlled by the Crown, or
- (c) it is in or on a structure controlled by the Crown any part of which is within 500 metres of it,

and in calculating whether the established quantity is exceeded a quantity of a substance which falls within more than one of heads (a) to (c) shall be counted only once.

(10) The establishment period is the period of 12 months ending on the day before the date of the coming into operation of Article 21(1) of the Planning Reform (Northern Ireland) Order 2006.

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(11) The transitional period is the period of 6 months starting on the day before the date of the coming into operation of that Article.

(12) The established quantity in relation to any land is the maximum quantity which was present on, over or under the land at any one time within the establishment period.

(13) In this paragraph, “appropriate authority” has the same meaning as in Part XII of the principal Order.

^{F9}SCHEDULE 3

Article 27(2)

PROVISIONS TO BE INSERTED AS SCHEDULES
1A AND 1B TO THE PRINCIPAL ORDER

Textual Amendments

F9 Sch. 3 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

“SCHEDULE 1A

SCHEDULE 1B

^{F10}SCHEDULE 4

Article 28(1)

Textual Amendments

F10 Sch. 4 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

SCHEDULE 5

Article 28(2)

REPEALS

Commencement Information

I2 Sch. 5 partly in force; Sch. 5 in force for certain purposes at 10.6.2006 see art. 1(3)(c)(4)

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Short Title	Extent of repeal
The Mineral Development Act (Northern Ireland) 1969 (NI 35).	Section 60.
The Planning (Northern Ireland) Order 1991 (NI 11).	Article 26. In Article 32, in paragraph (3), the words “or such longer period as the commission may allow”. Articles 113 to 117. In Article 118, paragraph (3). In Schedule 4, paragraph 4.
The Further Education (Northern Ireland) Order 1997 (NI 15).	In Schedule 4, the amendment of the Planning (Northern Ireland) Order 1991 (NI 11).
The Planning (Amendment) (Northern Ireland) Order 2003 (NI 8).	In Article 11, in paragraph (1), subparagraph (b). In Article 26, paragraph (5). Article 30. In Schedule 1, in paragraph 6, subparagraph (a)(iii). In Schedule 1, paragraphs 17 and 18.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the law relating to planning.

Part I of the Order is introductory.

Part II makes miscellaneous amendments to the law relating to planning.

Part III provides for the correction of errors in documents relating to planning decisions.

Part IV provides for the application of the Planning (Northern Ireland) Order 1991 to the Crown.

Part V provides for the review of old mineral planning permissions and the periodic review of planning permission for minerals development.

Part VI makes provision for amendments and repeals.

Status:

Point in time view as at 01/04/2015. This version of this Order contains provisions that are prospective.

Changes to legislation:

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