



Planning Act (Northern Ireland) 2011

CHAPTER 25

PLANNING ACT (NORTHERN IRELAND) 2011

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Status: This is the original version (as it was originally enacted).

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Status: This is the original version (as it was originally enacted).

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- 2. (1) A council proposing to make or alter a simplified...
- 3. Where a council has prepared a proposed simplified planning zone...
- 4. (1) Where objections to the proposed scheme or alterations are...
- 5. (1) After the expiry of the period for making objections...
- 6. (1) Before the proposals have been adopted by the council...
- 7. (1) The Department may, after considering proposals submitted to it...
- 8. (1) Without prejudice to the previous provisions of this Schedule,...

SCHEDULE 2 — REVIEW OF OLD MINERAL PLANNING PERMISSION

Interpretation

- 1. (1) In this Schedule— “dormant site” means a Phase I...

Phase I and II sites

- 2. (1) This paragraph has effect for the purposes of determining...

The “first list”

3. (1) A council must, in accordance with the following provisions...

The “second list”

4. (1) A council must, in accordance with the following provisions...

Advertisement of the first and second lists

5. (1) This paragraph makes provision for the advertisement of the...

Applications for inclusion in the first list of sites not included in that list as originally prepared and appeals from decisions upon such applications

6. (1) Any person who is the owner of any land,...

Postponement of the date specified in the first or second list for review of the permissions relating to a Phase I or II site in cases where the existing conditions are satisfactory

7. (1) Any person who is the owner of any land,...

Service on owners etc. of notice of preparation of the first and second lists

8. (1) The council must, no later than the date upon...

Applications for approval of conditions and appeals in cases where the conditions approved are not those proposed

9. (1) Any person who is the owner of any land,...

Notice of determination of conditions to be accompanied by additional information in certain cases

10. (1) This paragraph applies in a case where—

Right to appeal against council’s determination of conditions etc.

11. (1) Where the council— (a) on an application under paragraph...

Permissions ceasing to have effect

12. (1) Subject to paragraph 8(11), where no application under paragraph...

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Call in of applications to Department

13. (1) The Department may give directions requiring applications under paragraph...

Two or more applicants

14. (1) Where the council has received from any person a...

Compensation

15. (1) This paragraph applies in a case where—

Appeals: general procedural provisions

16. (1) This paragraph applies to appeals under any of the...

SCHEDULE 3 — PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS

Duty to carry out periodic reviews

1. The council must, in accordance with the provisions of this...

Interpretation

2. (1) For the purposes of this Schedule— “first review date”,...

The first review date

3. (1) Subject to sub-paragraph (5), in the case of a...
4. (1) The Department may by order subject to negative resolution...

Service of notice of first periodic review

5. (1) The council must, in connection with the first periodic...

Application for postponement of the first review date

6. (1) Any person who is the owner of any land,...

Application to determine the conditions to which the mineral permissions relating to a mining site are to be subject

7. (1) Any person who is the owner of any land,...

Permissions ceasing to have effect

8. Where no application under paragraph 7 in respect of a...

Appeals

9. (1) Where on an application under paragraph 7 the council...

Call in of applications to Department

10. (1) The Department may give directions requiring applications made under...

Time from which conditions determined under this Schedule are to take effect

11. (1) Where an application has been made under paragraph 7...

Two or more applicants

12. (1) Where the council has received from any person a...

Second and subsequent periodic reviews

13. (1) In this paragraph, in relation to a mining site,...

Compensation

14. (1) This paragraph applies where— (a) an application made under...

SCHEDULE 4 — AMENDMENTS TO THE LAND DEVELOPMENT
VALUES (COMPENSATION) ACT (NORTHERN
IRELAND) 1965 (C. 23)

1. In section 15— (a) in subsection (1) for “a development...
2. In section 18(3) and (4) for “Article 38 of the...
3. In section 18(4) for “Order” substitute “Act”.
4. In sections 26(1), (4), (5) and (6), 27(5) and 30...
5. In section 26, after subsection (7) insert—
6. In section 27(5), for the words from “with the substitution”...
7. In section 43(1), in the definition of “planning decision” for...
8. In Schedule 1— (a) in paragraph 10(b) for “the Planning...

SCHEDULE 5 — THE HISTORIC BUILDINGS COUNCIL

1. The Historic Buildings Council (in this Schedule referred to as...
2. A member of the Council shall hold office for a...
3. The Department may pay to the Chair and members of...
4. (1) The Council shall, subject to sub-paragraph (4), appoint such...
5. The Council may regulate its own quorum and procedure and...
6. The Council must, at such times and in respect of...
7. The secretary to the Council shall be such person as...

SCHEDULE 6 — MINOR AND CONSEQUENTIAL AMENDMENTS

The Caravans Act (Northern Ireland) 1963 (c. 17)

1. In section 3(3) for “the Planning Order” substitute “the Planning...”
2. In section 4— (a) in subsection (1) for “the Planning...”
3. In section 5(3) for “the Planning Order” substitute “the Planning...”
4. In section 8(10) for “the Planning Order” substitute “the Planning...”
5. In section 25(1) for the definition of “the Planning Order”...
6. In section 25(4) for “the Planning Order” substitute “the Planning...”
7. In the Schedule in paragraph 9 for “the Planning Order”...

The Local Government Act (Northern Ireland) 1972 (c. 9)

8. In section 47A (delegation of functions to officers) after subsection...

The Planning (Northern Ireland) Order 1972 (NI 17)

9. In Article 2(2)— (a) for “Planning (Northern Ireland) Order 1991”...
10. In Article 68(1) for “Order” substitute “Act”.
11. For Article 69B(1) substitute— (1) In this Part “the Planning...”

The House of Commons Disqualification Act 1975 (c. 24)

12. In Schedule 1 in Part 2 for “The Planning Appeals...”

The Rates (Northern Ireland) 1977 (NI 28)

13. In Article 26 in paragraph (2B)(d) for “the Planning (Northern...”
14. In Part 1 of Schedule 12 in paragraph 8—

The Property (Northern Ireland) Order 1978 (NI 4)

15. In Article 5(5)— (a) in sub-paragraph (c) for “development plan...”

The Planning (Amendment) (Northern Ireland) Order 1978 (NI 18)

16. In Article 2(2) omit the definition of “the Planning Order”....
17. In Article 2(3)— (a) for “the Planning Order” substitute “the...”
18. In Article 3(a) for “Part IV of the Planning Order”...

*The Pollution Control and Local Government
(Northern Ireland) Order 1978 (NI 19)*

19. In Article 65(6) for “the Planning (Northern Ireland) Order 1991”...
20. In Article 66(7) for “Article 2(2) of the Planning (Northern...

The Estate Agents Act 1979 (c. 38)

21. In section 1(2)(e) for “Planning (Northern Ireland) Order 1991” substitute...

The Building Regulations (Northern Ireland) Order 1979 (NI 16)

22. In Article 3A(2)— (a) in sub-paragraph (a), for “Planning (Northern...
23. In Article 9(3)(b) for “Parts IV and V of the...

The Mineral Exploration (Northern Ireland) Order 1979 (NI 18)

24. In Article 3(2) for “the Planning (Northern Ireland) Order 1991”...

The Private Streets (Northern Ireland) Order 1980 (NI 12)

25. In Article 2— (a) in paragraph (2) for the definition...
26. In Article 3— (a) in paragraph (1) for “Part IV...
27. In Article 4(1)— (a) for “Planning Order” substitute “Planning Act”;
28. In Article 4(2) for “Planning Order” substitute “Planning Act”.
29. In Article 4(3)— (a) for “Article 32 of the Planning...
30. In Article 4(4)— (a) for “Part VI of the Planning...
31. In Article 24(8)(b) for “Planning Order” substitute “Planning Act”.
32. In Article 25(2)(b) for “Planning Order” substitute “Planning Act”.

The Housing (Northern Ireland) Order 1981 (NI 3)

33. In Article 38(5) for “Planning (Northern Ireland) Order 1991” substitute...

The Enterprise Zones (Northern Ireland) Order 1981 (NI 15)

34. For Article 9(2) substitute— (2) Sections 236(5) and 237 of...

The Planning Blight (Compensation) (Northern Ireland) Order 1981 (NI 16)

35. In Article 2(2) after the definition of “the Planning Order”...

- 36. In Article 3— (a) in paragraph (1)—
- 37. In Article 15A(2) for “Part 12 of the Planning Order”...

The Civil Aviation Act 1982 (c. 16)

- 38. In section 53(7) for “Planning (Northern Ireland) Order 1991” substitute...

The Land Compensation (Northern Ireland) Order 1982 (NI 9)

- 39. In Article 2(2) for “Article 110 of the Planning (Northern...
- 40. In Article 7(2) for “Planning (Northern Ireland) Order 1991” substitute...
- 41. In Articles 14 and 15 for “development plan” wherever those...
- 42. In Article 15(1) for “Department of the Environment” substitute “council...
- 43. In Article 15(4), for “Department”, where that word occurs for...
- 44. In Article 15(4), (5), (7) and (8) and in Article...
- 45. In Article 17, for paragraph (2) substitute—

The Housing (Northern Ireland) Order 1983 (NI 15)

- 46. In Schedule 2, in paragraph 3 for “Article 11 of...

The Access to the Countryside (Northern Ireland) Order 1983 (NI 18)

- 47. In Article 2(2)— (a) in the definition of “development” for...

The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (NI 1)

- 48. In Article 8(3)— (a) for “development plan” substitute “local development...

The Betting, Gaming, Lotteries and Amusements (Northern Ireland) 1985 (NI 11)

- 49. In Article 2(2), in the definition of “planning permission”, for...

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15)

- 50. In Article 18(9) for “Article 67 of the Planning (Northern...
- 51. For Article 18(11) substitute— (11) This Article and Article 19...
- 52. In Schedule 1, in paragraph 17(a) for the definition of...

The Liganside Development (Northern Ireland) Order 1989 (NI 2)

53. In Article 16 for “Planning (Northern Ireland) Order 1991” substitute...

*The Planning and Building Regulations
(Amendment) (Northern Ireland) Order 1990 (NI 14)*

54. In Article 29— (a) in paragraph (2), for “Articles 64...

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

55. In Article 2 (interpretation)— (a) for paragraph (2) substitute —
56. After Article 85 (development schemes) insert— Power of Department to...
57. In Article 93, for “development plan” substitute “local development plan”....
58. In Article 125A (information as to estates in Crown land),...

The Electricity (Northern Ireland) Order 1992 (NI 1)

59. In Article 65(1)(b) for “Articles 20 to 24 of the...
60. In Schedule 3 in paragraph 2(2)(b) for “Part IV of...
61. In Schedule 4 in paragraph 1(1) in the definition of...
62. In Schedule 4 in paragraph 15(5) in the definition of...
63. In Schedule 8— (a) in paragraph 1A(5)(b) for “Article 111(5)...

The Taxation of Chargeable Gains Act 1992 (c. 12)

64. In Schedule 2 in paragraph 10(3) for “the Planning (Northern...

The Roads (Northern Ireland) Order 1993 (NI 15)

65. In Article 2(2) in the definition of “planning permission” for...
66. In Article 80(13), in the definition of “development order”, for...
67. In Article 87— (a) in paragraph (6) for “Article 67...

The Value Added Tax Act 1994 (c. 23)

68. In Schedule 8, in Group 6— (a) in Note (1)(a)(iii)...

The Airports (Northern Ireland) Order 1994 (NI 1)

69. In Article 14— (a) in paragraph (2)(a) for “Part VIII...
70. In Article 15(1)(b)(ii) for “Articles 20 to 22 of the...
71. In Schedule 3 in paragraph 3(2) for “the Planning (Northern...

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*The Historic Monuments and Archaeological
Objects (Northern Ireland) Order 1995 (NI 9)*

- 72. In Article 2(2) in the definition of “works” for “the...
- 73. In Article 9(8)— (a) for “the Planning (Northern Ireland) Order...

The Street Works (Northern Ireland) Order 1995 (NI 19)

- 74. In Article 2(2) in the definition of “the planning appeals...

The Gas (Northern Ireland) Order 1996 (NI 2)

- 75. In Article 47(1)(b) for “Articles 20 to 24 of the...
- 76. In Schedule 2 in paragraph 2(2)(b) for “Part IV of...
- 77. In Schedule 3 in paragraph 1 in the definition of...
- 78. In Schedule 3 in paragraph 14(6) in the definition of...

The Business Tenancies (Northern Ireland) Order 1996 (NI 5)

- 79. In Article 12(2) for “the Planning (Northern Ireland) Order 1991”...
- 80. In Schedule 2 in paragraph 12 for “the Planning (Northern...

The Ombudsman (Northern Ireland) Order 1996 (NI 8)

- 81. In Schedule 3 for “Article 110 of the Planning (Northern...

The Licensing (Northern Ireland) Order 1996 (NI 22)

- 82. In Article 84(a) for “the Planning (Northern Ireland) Order 1991”...

The Registration of Clubs (Northern Ireland) Order 1996 (NI 23)

- 83. In Article 2(2) in the definition of “planning permission” for...

The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)

- 84. In Article 35(9)(a) for “the Planning (Northern Ireland) Order 1991”...

The Industrial Pollution Control (Northern Ireland) Order 1997 (NI 18)

- 85. In Schedule 2— (a) in paragraph 1(2) for “paragraphs (1),...

The Waste and Contaminated Land (Northern Ireland) Order 1997 (NI 19)

- 86. In Article 8(3) for “Planning (Northern Ireland) Order 1991” substitute...

87. In Article 31(3) for “Planning (Northern Ireland) Order 1991” substitute...

88. In Schedule 2— (a) in paragraph 1(2) for “paragraphs (1),...

The Competition Act 1998 (c. 41)

89. In Schedule 3 in paragraph 1(1)(c) for “Article 40 of...

The Strategic Planning (Northern Ireland) Order 1999 (NI 4)

90. In Article 2(3) for “the Planning (Northern Ireland) Order 1991”...

The Water (Northern Ireland) Order 1999 (NI 6)

91. In Schedule 1 in paragraph 3— (a) in sub-paragraph (4)...

The Postal Services Act 2000 (c. 26)

92. In Schedule 6 in paragraph 3(6) for “Article 2(2) of...

The Capital Allowances Act 2001 (c. 2)

93. In section 436(2)(c) for “Article 2(2) of the Planning (Northern...

The Environment (Northern Ireland) Order 2002 (NI 7)

94. In Article 34(6)— (a) for “development plan” substitute “local development...

95. In Article 38(3)(d) for “the Planning (Northern Ireland) Order 1991...

96. In Article 46— (a) in paragraph (4)(a) for “Part IV...

The Strategic Investments and Regeneration of Sites (Northern Ireland) Order 2003 (NI 1)

97. In Article 25(2) for “Planning (Northern Ireland) Order 1991 (NI...

The Finance Act 2003 (c. 14)

98. For section 60(5)(c) substitute— (c) in relation to Northern Ireland,...

99. For section 61(2)(c) substitute— (c) in relation to Northern Ireland—...

The Rates (Capital Values, etc.) (Northern Ireland) Order 2006 (NI 4)

100. In Schedule 2, in paragraph 2— (a) for “Article 2(2)...

The Water and Sewerage Services (Northern Ireland) Order 2006 (NI 21)

101. In Article 298(3)(a) for “Article 2(2) of the Planning (Northern...

The Climate Change Act 2008 (c. 27)

102. In section 70(1)(c) for “the Planning (Northern Ireland) Order 1991...

The Financial Assistance Act (Northern Ireland) 2009 (c. 2)

103. In section 5 in the definition of “public body” in...

The Marine and Coastal Access Act 2009 (c. 23)

104. In section 322(2) in the definition of “statutory undertaker” for...

The Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2)

105. In Article 13(3)(b) for “Article 83A or 83B of the...
106. In Article 18(7)(b) for “Article 83A or 83B of the...

The Forestry Act (Northern Ireland) 2010 (c. 10)

107. In section 15(2)— (a) in paragraph (1), after “consent” insert...

The Caravans Act (Northern Ireland) 2011 (c. 12)

108. In section 17(1), in the definition of “planning permission”, for...

The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23)

109. In section 26— (a) in subsection (3) for “Article 84(2)...
110. In section 31(1), for “Article 67 of the Planning (Northern...
111. In section 38, omit subsections (1), (2) and (3).

SCHEDULE 7 — REPEALS