



## 2011 CHAPTER 25

### PART 3

#### PLANNING CONTROL

##### *Simplified planning zone schemes*

##### **Simplified planning zones**

**33.—**(1) A simplified planning zone is an area in respect of which a simplified planning zone scheme is in force.

(2) The adoption or approval of a simplified planning zone scheme has effect to grant in relation to the zone, or any part of it specified in the scheme, planning permission for development specified in the scheme or for development of any class so specified.

(3) Planning permission under a simplified planning zone scheme may be unconditional or subject to such conditions, limitations or exceptions as may be specified in the scheme.

(4) A simplified planning zone scheme shall consist of a map and a written statement, and such diagrams, illustrations and descriptive matter as the council for the district within which the zone is located thinks appropriate for explaining or illustrating the provisions of the scheme, and must specify—

- (a) the development or classes of development permitted by the scheme;
- (b) the land in relation to which permission is granted; and
- (c) any conditions, limitations or exceptions subject to which it is granted;

and must contain such other matters as may be prescribed.

**Making and alteration of simplified planning zone schemes**

**34.**—(1) A council may at any time make a simplified planning zone scheme in respect of any area within its district.

(2) A council may at any time alter—

- (a) a simplified planning zone scheme adopted by it; or
- (b) with the consent of the Department, a simplified planning zone scheme approved by the Department.

(3) In exercising its functions under subsection (1) or (2), the council must take account of—

- (a) the regional development strategy;
- (b) any policy or advice contained in guidance issued by the Department;
- (c) such other matters as the Department may prescribe or, in a particular case, direct.

(4) Schedule 1 has effect with respect to the making and alteration of simplified planning zone schemes and other related matters.

**Simplified planning zone schemes: conditions and limitations on planning permission**

**35.**—(1) The conditions and limitations on planning permission which may be specified in a simplified planning zone scheme may include—

- (a) conditions or limitations in respect of all development permitted by the scheme or in respect of particular descriptions of development so permitted; and
- (b) conditions or limitations requiring the consent, agreement or approval of the council in relation to particular descriptions of permitted development;

and different conditions or limitations may be specified for different cases or classes of case.

(2) Nothing in a simplified planning zone scheme shall affect the right of any person—

- (a) to do anything not amounting to development; or
- (b) to carry out development for which planning permission is not required or for which permission has been granted otherwise than by the scheme;

and no limitation or restriction subject to which permission has been granted otherwise than under the scheme shall affect the right of any person to carry out development for which permission has been granted under the scheme.

**Duration of simplified planning zone scheme**

**36.—**(1) A simplified planning zone scheme shall take effect on the date of its adoption or approval and shall cease to have effect at the end of the period of 10 years beginning with that date.

(2) Upon the scheme's ceasing to have effect, planning permission under the scheme shall also cease to have effect except in a case where the development authorised by it has been begun.

(3) The provisions of section 64(2) to (6) and sections 65 and 66 apply to planning permission under a simplified planning zone scheme where development has been begun but not completed by the time the area ceases to be a simplified planning zone.

(4) The provisions of section 63(2) apply in determining for the purposes of this section when development shall be taken to be begun.

**Alteration of simplified planning zone scheme**

**37.—**(1) The adoption of alterations to a simplified planning zone scheme has effect as follows.

(2) The adoption of alterations providing for the inclusion of land in the simplified planning zone has effect to grant in relation to that land or such part of it as is specified in the scheme planning permission for development so specified or of any class so specified.

(3) The adoption of alterations providing for the grant of planning permission has effect to grant such permission in relation to the simplified planning zone, or such part of it as is specified in the scheme, for development so specified or development of any class so specified.

(4) The adoption of alterations providing for the withdrawal or relaxation of conditions, limitations or restrictions to which planning permission under the scheme is subject has effect to withdraw or relax the conditions, limitations or restrictions forthwith.

(5) The adoption of alterations providing for—

- (a) the exclusion of land from the simplified planning zone;
- (b) the withdrawal of planning permission; or
- (c) the imposition of new or more stringent conditions, limitations or restrictions to which planning permission under the scheme is subject,

has effect to withdraw permission, or to impose the conditions, limitations or restrictions, with effect from the end of the period of 12 months beginning with the date of the adoption.

(6) The adoption of alterations to a scheme does not affect planning permission under the scheme in any case where the development authorised by it

has been begun before the adoption of alterations has effect; and the provisions of section 63(2) apply in determining for the purposes of this subsection when development shall be taken to be begun.

(7) This section applies to the approval of alterations to a simplified planning zone by the Department as it applies to the adoption of such alterations by a council.

### **Exclusion of certain descriptions of land or development**

**38.—**(1) The following descriptions of land may not be included in a simplified planning zone—

- (a) land in a conservation area;
- (b) land in an area which is—
  - (i) designated as a National Park under Article 12 of the [Nature Conservation and Amenity Lands \(Northern Ireland\) Order 1985 \(NI 1\)](#);
  - (ii) designated as an area of outstanding natural beauty under Article 14 of that Order;
  - (iii) declared to be an area of special scientific interest under Article 28 of the [Environment \(Northern Ireland\) Order 2002 \(NI 7\)](#);
- (c) land declared to be a national nature reserve under Article 18 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
- (d) land of such other description as may be prescribed.

(2) Where land included in a simplified planning zone becomes land of such a description, subsection (1) does not have effect to exclude it from the zone.

(3) The Department may by order provide that no simplified planning zone scheme shall have effect to grant planning permission—

- (a) in relation to an area of land specified in the order or to areas of land of a description so specified; or
- (b) for development of a description specified in the order.

(4) An order under subsection (3) has effect to withdraw such planning permission under a simplified planning zone scheme already in force with effect from the date on which the order comes into force, except in a case where the development authorised by the permission has been begun before that date; and the provisions of section 63(2) apply in determining for the purposes of this subsection when development shall be taken to be begun.