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## STATUTORY INSTRUMENTS

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# 2006 No. 1252

## The Planning Reform (Northern Ireland) Order 2006

### 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.
- (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.

**Status:** 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 11 May 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) View outstanding changes

## PART II

### PLANNING REFORM

PROSPECTIVE

#### Statement of community involvement

<sup>F1</sup>3. ....

#### 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

<sup>F1</sup>4. ....

#### 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)—

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- (i) for “an inquiry” substitute “ an inquiry or independent examination ”;
- (ii) for “or inquiry” substitute “ , inquiry or independent examination ”.

PROSPECTIVE

### Sustainable development

<sup>F16</sup>. . . . .

#### 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

<sup>F17</sup>. . . . .

#### 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

<sup>F18</sup>. . . . .

#### 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

<sup>F19</sup>. . . . .

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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)

**Duration of planning permission and listed building consent**

<sup>F1</sup>10. ....

**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**

<sup>F1</sup>11. ....

**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)

**Conservation areas**

<sup>F1</sup>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**

<sup>F1</sup>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)

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## Increase in fines for unlawful advertisements

<sup>F1</sup>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

<sup>F1</sup>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

<sup>F1</sup>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)

PROSPECTIVE

## PART III

### CORRECTION OF ERRORS

#### Correction of errors in decision documents

<sup>F1</sup>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)

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**Correction notice**

**F118.** .....

**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**

**F119.** .....

**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**

**F120.** .....

**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.

*Status:* 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 11 May 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) View outstanding changes

(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.

(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).”

<sup>F2</sup>(2) .....

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

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**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
- (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.



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PROSPECTIVE

## PART V

### MINERAL PLANNING PERMISSIONS

#### Aftercare conditions

<sup>F5</sup>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

<sup>F6</sup>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

**II** 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\(3\)\(c\)\(4\)](#)

A.K. Galloway  
Clerk of the Privy Council

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**Changes to legislation:**

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[View outstanding changes](#)

**Commencement Orders yet to be applied to the The Planning Reform (Northern Ireland) Order 2006**

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2015/49 art. 23Sch. 1 commences \(2011 c. 25 \(N.I.\)\)](#)