

SCHEDULE 1

Article 9

Certificates and Notices under section 42

PART 1

Certificates under section 42

PLANNING ACT (NORTHERN IRELAND) 2011

Certificate A

I hereby certify that the accompanying application/appeal is made by or on behalf of (Name of applicant/appellant) who is in actual possession of every part of the land to which the said application/appeal relates and is entitled to a fee simple absolute/a fee tail/a life estate/a tenancy of which at least 40 years remain unexpired in the land.

OR

Certificate B

I hereby certify that the accompanying application/appeal is made by or on behalf of (Name of applicant/appellant) who is the trustee of a trust or settlement which affects every part of the land to which the accompanying application/appeal relates and that at the date of the application/appeal—
(a) a beneficiary under the trust or settlement is in the actual possession of every part of the land; and
(b) no person other than a beneficiary under the trust or settlement is entitled to enter into the actual possession of any part of the said land within a period of 40 years.

OR

Certificate C

I hereby certify that the requisite notice of the accompanying application/appeal has been given by or on behalf of (Name of applicant/appellant) to any person who, at the beginning of the period of the 21 days ending with the date of the said application/appeal was, in relation to all or any part of the land affected by the application/appeal—
(a) a person then in actual possession;
(b) the trustee of a trust or settlement where a beneficiary under the trust or settlement was in actual possession and no person other than such a beneficiary was entitled to enter into actual possession within a period of 40 years;
(c) a person (not being a person falling within (a) or (b) entitled to enter into actual possession within a period of 40 years.

The persons upon whom notice was served are—

Name and Address

Interest

Date of Service of Notice

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OR
Certificate D

1. I hereby certify that the person making the accompanying application/appeal—
(a) is unable to issue a certificate in accordance with either section 42(1)(a) or (b) of the Planning Act (Northern Ireland) 2011;
(b) has made due enquiries and is of the opinion that he is unable to issue a certificate which would satisfy the requirements of section 42(1)(c) of the said Act for the following reasons—

;and

(c) has given the requisite notice of the said application/appeal to the under-mentioned persons who, at the beginning of the period of 21 days ending with the date of the said application/appeal, were in the actual possession of any part of the land to which the application/appeal relates, namely—

Name and Address

Date of Service of Notice

2. Notice of the application/appeal has been published in the (title of newspaper) on (date of publication) and a copy of the newspaper in which the notice appeared is enclosed.

Signature of Applicant or Agent.....

Date.....

PART 2

Planning Applications - Notices under section 42

PLANNING ACT (NORTHERN IRELAND) 2011

Planning Application: Notice under section 42

[Notice for service on individuals]

- | | |
|--|--|
| (a) Insert address or location of proposed development | Proposed developments at
(a) _____

_____ |
| (b) Insert name of applicant | TAKE NOTICE that application under the Planning Act (Northern Ireland) 2011 is being made to the council by
(b) _____

_____ |
| (c) Insert description of proposed development | for permission to (c) _____

_____ |

If you wish to make representations about the application, you should make them in writing to the council within 14 days from the date of service of this notice.

Signature of Applicant or Agent _____

Date _____

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

PLANNING ACT (NORTHERN IRELAND) 2011
Planning Application: Notice under section 42

[Notice for publication in local newspaper]

- | | |
|--|--|
| (a) Insert address or location of proposed development | Proposed developments at
(a) _____

_____ |
| (b) Insert name of applicant | TAKE NOTICE that application under the Planning Act (Northern Ireland) 2011 is being made to the council by
(b) _____

_____ |
| (c) Insert description of proposed development | for permission to (c) _____

_____ |

Any person having an interest in the land which entitles him to make representations about the proposed development may make such representations in writing to the council within 14 days from the date of the publication of this notice.

PART 3

Planning Appeals – Notices under section 42

PLANNING ACT (NORTHERN IRELAND) 2011

Planning Appeals: Notice under section 42

[Notice for service on individuals]

- | | |
|--|--|
| (a) Insert address or location of proposed development | Proposed developments at
(a) _____

_____ |
| (b) Insert name of appellant | TAKE NOTICE that an appeal under the Planning Act (Northern Ireland) 2011 is being made to the council by
(b) _____

_____ |
| (c) Insert description of proposed development | for permission to (c) _____

_____ |

If you wish to make representations about the appeal, you should make them in writing to the Planning Appeals Commission within 14 days from the date of service of this notice.

Signature of Appellant or Agent _____

Date _____

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

PLANNING ACT (NORTHERN IRELAND) 2011
Planning Appeals: Notice under section 42

[Notice for publication in local newspaper]

- | | |
|--|--|
| (a) Insert address or location of proposed development | Proposed developments at
(a) _____

_____ |
| (b) Insert name of appellant | TAKE NOTICE that an appeal under the Planning Act (Northern Ireland) 2011 is being made to the council by
(b) _____

_____ |
| (c) Insert description of proposed development | Against the decision of the council on an application for permission to
(c) _____

_____ |

Any person having an interest in the land which entitles him to make representations about the proposed development may make such representations in writing to the council within 14 days from the date of the publication of this notice.

SCHEDULE 2

Article 11

PLANNING ACT (NORTHERN IRELAND) 2011: SECTIONS 169 AND 170

CERTIFICATE OF LAWFULNESS OF EXISTING USE OR
DEVELOPMENT*/CERTIFICATE OF LAWFULNESS OF PROPOSED
USE OR DEVELOPMENT*

The council hereby certifies on [*insert date of application*] the use*/operation*/matter* described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged*/hatched*/coloured* [*specify colour*] on the plan attached to this certificate, was*/were*/would have been* lawful within the meaning of section 169*/170* of the Planning Act (Northern Ireland) 2011, for the following reason(s):

Signed
(Authorised Officer)
Date

FIRST SCHEDULE

[Insert full description of use, operations or other matter, if necessary, by reference to details in the application or submitted plans, including a reference to the use class, if any, specified in an order under section 23(3)(e) of the Planning Act (Northern Ireland) 2011, within which the certificated use falls.]

SECOND SCHEDULE

[Insert address or location of the site.]

Notes:

- (1) This certificate is issued solely for the purpose of section 169*/170* of the Planning Act (Northern Ireland) 2011.
- (2) It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/were*/would have been* lawful, on the specified date and, thus, was not*/were not*/would not have been* liable to enforcement action under section 138 or 139 of the Planning Act (Northern Ireland) 2011 on that date.
- (3) This certificate applies only to the extent of the use*/operations*/matter* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use*/operations*/matter* which is*/are* materially different from that*/those* described or which relate/s* to other land which may render the owner or occupier liable to enforcement action.
- (4) The effect of the certificate is also qualified by the proviso in section 170(4) of the Planning Act (Northern Ireland) 2011, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
*delete where appropriate.

SCHEDULE 3

Article 13

Consultation Arrangements

PART 1

Consultation where an application for planning permission is to be determined by a council

Subject to Article 13, the council must before determining an application for planning permission for development consult a person, authority or body mentioned in a paragraph below in the circumstances specified in that paragraph.

1. The Department of the Environment where a development proposal—
 - (a) involves the demolition, in whole or part, or the material alteration of a listed building;
 - (b) is likely to affect the site or setting of any historic monument as defined under Article 2 of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995⁽¹⁾ or an area which contains archaeological remains or the setting of a listed building or historic park, garden or demesne;
 - (c) is likely to have an adverse effect on a Northern Ireland priority habitat or priority species⁽²⁾;
 - (d) is in or likely to have an effect on an area of special scientific interest, a Natura 2000 site or a World Heritage Site;
 - (e) involves fish farming;
 - (f) involves the refining or storing of mineral oils and their derivatives;
 - (g) involves the use of land for the collection, storage, treatment and/or deposit of controlled waste materials and/or gaseous/solid outputs from the process;
 - (h) relates to the use of land as a cemetery;
 - (i) relates to mineral or hydrocarbon extraction or commercial peat extraction;
 - (j) involves the development of land that may be affected by contamination and is causing or has potential to cause pollution of the water environment;
 - (k) involves energy generation which is likely to have an effect on the environment;
 - (l) relates to the use of land which may have an effect on the water environment including—
 - (i) development adjacent to watercourses, lakes or estuaries,
 - (ii) development involving the deep drilling of boreholes or an abstraction of groundwater or surface-water, or
 - (iii) development that creates an impoundment, culvert, diversion or alteration of a waterway;
 - (m) involves the use of land where mains sewerage may not be available or have capacity to service the development proposal;
 - (n) is likely to have an effect upon the availability or water quality of a private water supply;
 - (o) involves the use of land for industrial processes including the processing, storing or distribution of hazardous substances; or intensive livestock activities; or
 - (p) involves the use of land likely to have an effect on the marine environment.

(1) S.I. 1995 No. 1625 (N.I.9)

(2) Section 3(1) of the Wildlife and Natural Environment Act (NI) 2011

2. The Health and Safety Executive for Northern Ireland where a development proposal—
 - (a) is within an area which has been notified to the Department by the Health and Safety Executive for Northern Ireland for consultation because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which are present and which involves the provision of—
 - (i) residential accommodation,
 - (ii) more than 250 square metres of retail floor space,
 - (iii) more than 500 square metres of office space, or
 - (iv) more than 500 square metres to be used for an industrial process,or which is otherwise likely to result in a major increase in the number of persons working in or visiting the notified area; or
 - (b) where the development—
 - (i) involves the siting of a new establishment,
 - (ii) consists of the modification of an existing establishment which could have significant repercussions on major accident hazards, or
 - (iii) includes transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequence of a major accident⁽³⁾.
3. The Department for Regional Development where a development proposal—
 - (a) involves the formation, laying out or alteration of any means of access, or is likely to create or attract traffic which may result in a material increase in the volume of traffic—
 - (i) entering or leaving a road,
 - (ii) using a level crossing over a railway, or
 - (iii) which would result in an additional demand for car parking, or loss of or alteration to existing car parking;
 - (b) consists of or includes the laying out or construction of a new street;
 - (c) is likely to prejudice the improvement or construction of a road or proposed road;
 - (d) involves power lines which cross a road;
 - (e) involves the installation of a structure over or under a road; or
 - (f) is a reserved matters application where an outline planning permission includes roads conditions.
4. The Department for Regional Development or water undertaker as defined under Article 13 of the Water and Sewerage Services (Northern Ireland) Order 2006⁽⁴⁾, shall be consulted where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.
5. Licensed aerodromes where a development proposal—
 - (a) is within an area identified as a potential hazard on an airport safeguarding map submitted by a licensed aerodrome; or
 - (b) is for wind turbine development within 30 kilometres of a licensed aerodrome.
6. The Department for Agriculture and Rural Development where a development proposal—

⁽³⁾ The expressions used in paragraph (b)(ii) have the same meaning as in Council Directive [96/82/EC](#) on the control of major accident hazards involving dangerous substances

⁽⁴⁾ [S.I.2006 No. 3336 \(N.I.21\)](#)

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- (a) is likely to impact upon drainage and/or flood defence provisions;
 - (b) is—
 - (i) on a riverine or coastal flood plain, or
 - (ii) beyond flood plains on land with a known history of flooding;
 - (c) may affect a flood bank or other flood control structure;
 - (d) is likely to involve the alteration or diversion of a watercourse;
 - (e) is of a size or nature that could significantly increase surface runoff; or
 - (f) is where a reserved matters application which was made subject to an outline planning condition or informative applied following the consideration of a previous consultation response from the Department of Agriculture and Rural Development.
7. The Department of Enterprise, Trade and Investment on the following—
- (a) all energy infrastructure applications classed as major development;
 - (b) all mineral applications; or
 - (c) all applications for hydrocarbon exploration or extraction.
8. The Northern Ireland Housing Executive where a development proposal is likely to require a statement of affordable housing need.

PART 2

Consultation where an application for planning permission is to be determined by the Department

Subject to Article 13, the Department must before determining an application for planning permission consult a person, authority or body mentioned in a paragraph below in the circumstances specified in that paragraph

1. The appropriate council.
2. The Health and Safety Executive for Northern Ireland where a development proposal—
 - (a) is within an area which has been notified to the Department by the Health and Safety Executive for Northern Ireland for consultation because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which are present and which involves the provision of—
 - (i) residential accommodation,
 - (ii) more than 250 square metres of retail floor space,
 - (iii) more than 500 square metres of office space, or
 - (iv) more than 500 square metres to be used for an industrial process,or which is otherwise likely to result in a major increase in the number of persons working in or visiting the notified area; or
 - (b) where the development—
 - (i) involves the siting of a new establishment,
 - (ii) consists of the modification of an existing establishment which could have significant repercussions on major accident hazards, or
 - (iii) includes transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequence of a major accident.

3. The Department of Regional Development where a development proposal—
 - (a) involves the formation, laying out or alteration of any means of access, or is likely to create or attract traffic which may result in a material increase in the volume of traffic—
 - (i) entering or leaving a road,
 - (ii) using a level crossing over a railway, or
 - (iii) which would result in an additional demand for car parking, or loss of or alteration to existing car parking;
 - (b) consists of or includes the laying out or construction of a new street;
 - (c) is likely to prejudice the improvement or construction of a road or proposed road;
 - (d) involves power lines which cross a road;
 - (e) involves the installation of a structure over or under a road; or
 - (f) is a reserved matters application where an outline planning permission includes roads conditions.
4. The Department for Regional Development or water undertaker as defined under Article 13 of the Water and Sewerage Services (Northern Ireland) Order 2006, shall be consulted where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.
5. Licensed aerodromes where a development proposal—
 - (a) is within an area identified as a potential hazard on an airport safeguarding map submitted by a licensed aerodrome; or
 - (b) is for wind turbine development within 30 kilometres of the licensed aerodrome.
6. The Department of Agriculture and Rural Development where a development proposal—
 - (a) is likely to impact upon drainage and/or flood defence provisions;
 - (b) is—
 - (i) on a riverine or coastal flood plain, or
 - (ii) beyond flood plains on land with a known history of flooding;
 - (c) may affect a flood bank or other flood control structure;
 - (d) is likely to involve the alteration or diversion of a watercourse;
 - (e) is of a size or nature that could significantly increase surface runoff; or
 - (f) is a reserved matters application was made subject to an outline planning condition or informative applied following the consideration of a previous consultation response from the Department of Agriculture and Rural Development.
7. The Department of Enterprise, Trade and Investment on the following—
 - (a) all energy infrastructure applications classed as major development;
 - (b) all mineral applications; or
 - (c) all applications for hydrocarbon exploration or extraction.
8. The Northern Ireland Housing Executive where a development proposal is likely to require a statement of affordable housing need.

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SCHEDULE 4

Article 32

Orders Revoked

<i>Title</i>	<i>Reference</i>
The Planning (General Development) Order (Northern Ireland) 1993	S.R. 1993 No. 278
The Planning (General Development) (Amendment No. 2) Order (Northern Ireland) 1995	S.R. 1995 No. 424
The Planning (General Development) (Amendment) Order (Northern Ireland) 1996	S.R. 1996 No. 232
The Planning (General Development) (Amendment) Order (Northern Ireland) 1998	S.R. 1998 No. 222
The Planning (General Development) (Amendment) Order (Northern Ireland) 2000	S.R. 2000 No. 113
The Planning (General Development) (Amendment) Order (Northern Ireland) 2002	S.R. 2002 No. 195
The Planning (General Development) (Amendment) Order (Northern Ireland) 2003	S.R. 2003 No. 98
The Planning (General Development) (Amendment No. 2) Order (Northern Ireland) 2003	S.R. 2003 No. 445
The Planning (General Development) (Amendment) Order (Northern Ireland) 2004	S.R. 2004 No. 459
The Planning (General Development) (Amendment) Order (Northern Ireland) 2005	S.R. 2005 No. 427
The Planning (General Development) (Amendment) Order (Northern Ireland) 2006	S.R. 2006 No. 219
The Planning (General Development) (Amendment No. 2) Order (Northern Ireland) 2006	S.R. 2006 No. 348
The Planning (General Development) (Amendment) Order (Northern Ireland) 2007	S.R. 2007 No. 106
The Planning (General Development) (Amendment No. 2) Order (Northern Ireland) 2007	S.R. 2007 No. 432
The Planning (General Development) (Amendment) Order (Northern Ireland) 2011	S.R. 2011 No. 75
The Planning (General Development) (Amendment No. 2) Order (Northern Ireland) 2011	S.R. 2011 No. 404
The Planning (General Development) (Amendment) Order (Northern Ireland) 2012	S.R. 2012 No. 329
The Planning (General Development) (Amendment) Order (Northern Ireland) 2013	S.R. 2013 No. 96
The Planning (General Development) (Amendment No. 2) Order (Northern Ireland) 2013	S.R. 2013 No. 210

<i>Title</i>	<i>Reference</i>
The Planning (General Development) (Amendment) Order (Northern Ireland) 2014	S.R. 2014 No. 31