



2011 CHAPTER 25

Part 3 **N.I.**

Planning control

Grant of planning permission in enterprise zones

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39.—(1) An order designating an enterprise zone under the 1981 Order shall (without more) have effect on the effective date to grant planning permission for development specified in the scheme or for development of any class so specified.

(2) The adoption of a modified scheme under Article 4 of the 1981 Order (as applied by Article 10(2) of that Order) shall (without more) have effect on the effective date of modification to grant planning permission for development specified in the modified scheme or for development of any class so specified.

(3) Planning permission granted by virtue of this section shall be subject to such conditions or limitations as may be specified in the scheme or modified scheme or (if none are specified) unconditional.

(4) Where planning permission is so granted for any development or class of development, the Department may direct that the permission shall not apply in relation to—

- (a) a specified development; or
- (b) a specified class of development; or
- (c) a specified class of development in a specified area within the enterprise zone.

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 39. (See end of Document for details)

(5) If the scheme or the modified scheme specifies matters, in relation to any development it permits, which will require approval by the Department, the permission shall have effect accordingly.

(6) The Department may by regulations make provision—

- (a) as to the procedure for giving a direction under subsection (4);
- (b) as to the method and procedure relating to the approval of matters specified in a scheme or modified scheme as mentioned in subsection (5),

and such regulations may modify any provision of this Act other than this section.

(7) Notwithstanding subsections (1) to (6), planning permission may be granted under any other provision of this Part in relation to land in an enterprise zone (whether the permission is granted in pursuance of an application made under this Part or by a development order).

(8) Modifications to a scheme do not affect planning permission under the scheme in any case where the development authorised by it has been begun before the effective date of modification.

(9) Upon an area ceasing to be an enterprise zone planning permission under the scheme shall cease to have effect except in a case where the development authorised by it has been begun.

(10) Section 64(2) to (6) and sections 65 and 66 shall apply to planning permission under the scheme where development has been begun but not completed by the time the area ceases to be an enterprise zone.

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

(12) Nothing in this section prejudices the right of any person to carry out development apart from this section.

(13) In this section “the 1981 Order” means the Enterprise Zones (Northern Ireland) Order 1981 (NI 15) and other expressions used in this section and in that Order have the same meaning in this section as in that Order.

Modifications etc. (not altering text)

- C1** Pt. 3 applied with modification(s) (1.4.2015) by [The Planning General Regulations \(Northern Ireland\) 2015 \(S.R. 2015/39\)](#), regs. 1(1), **2** (with regs. 3-10)
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Commencement Information

- I1** S. 39 in operation at 1.2.2015 for specified purposes by [S.R. 2015/25](#), **art. 2**
- I2** S. 39 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/25](#), **art. 3**

Changes to legislation:

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 39.