#### STATUTORY INSTRUMENTS

# 1991 No. 1220 (N.I. 11)

# The Planning (Northern Ireland) Order 1991

- - - 21st May 1991

# THE PLANNING (NORTHERN IRELAND) ORDER 1991

# PART I

#### **INTRODUCTORY**

- 1. Title and commencement
- 2. Interpretation
- 2A Service of Notices and Documents

# PART II

# FUNCTIONS OF DEPARTMENT OF THE ENVIRONMENT WITH RESPECT TO DEVELOPMENT OF LAND

- 3. General functions of Department of the Environment with respect to development of land
- 3A Statement of community involvement

# PART III

# DEVELOPMENT PLANS

- 4. Development plans
- 5. Publicity and consultation
- 6. Publicity and consultation-short procedure for certain alterations, etc.
- 7. Independent examination
- 8. Adoption by Department
- 9. Incorporation in development plans of certain orders and schemes
- 10. Regulations as to development plans
- 10A Sustainable development

Changes to legislation: The Planning (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 30 June 2024. 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)

# PART IV PLANNING CONTROL

# "Development" and requirement of planning permission

- 11. Meaning of "development"
- 12. Development requiring planning permission

# Development orders

13. Development orders

# Simplified planning zone schemes

- 14. Simplified planning zones
- 15. Simplified planning zone schemes: conditions and limitations on planning permission
- 16. Duration of simplified planning zone scheme
- 17. Alteration of simplified planning zone scheme
- 18. Exclusion of certain descriptions of land

# Grant of planning permission in enterprise zones

19. Grant of planning permission in enterprise zones

# Planning applications

- 20. Form and content of applications
- 21. Publication of notices of applications
- 22. Notification of applications to certain persons
- 23. Notice requiring planning application
- 24. Appeal against notice under Article 23

#### Determination of planning applications

- 25. Determination of planning applications
- 25A Power to decline to determine subsequent application
- 25AA Power to decline to determine overlapping application
  - 25B Assessment of environmental effects
  - 26. Duty to draw attention to certain provisions for benefit of disabled
  - 27. Conditional grant of planning permission
  - 27A Power to impose aftercare conditions on grant of mineral planning permission
  - 28. Permission to develop land without compliance with conditions previously attached
  - 28A Planning permission for development already carried out

Changes to legislation: The Planning (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 30 June 2024. 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)

- Art. 29 rep. by 2003 NI 8
- 30. Effect of planning permission
- 31. Special procedure for major planning applications

# Appeals

- 32. Appeals
- 33. Appeal in default of planning decision

# Duration of planning permission

- 34. Duration of planning permission
- 35. Duration of outline planning permission
- 36. Provisions supplementary to Articles 34 and 35
- 37. Termination of planning permission by reference to time limit

# Revocation or modification of planning permission

38. Revocation or modification of planning permission

# Additional powers of control

- 39. Orders requiring discontinuance of use or alteration or removal of buildings or works
- 40. Planning agreements
- 40A Modification and discharge of planning agreements
- 40B Appeals

Art. 41 rep. by 2003 NI 8

#### PART V

### ADDITIONAL PLANNING CONTROL

# Buildings of special architectural or historic interest

- 42. Lists of buildings of special architectural or historic interest
- 42A Temporary listing: building preservation notices
- 42B Temporary listing in urgent cases
- 42C Lapse of building preservation notices
- 43. Issue of certificate that building is not intended to be listed
- 44. Control of works for demolition, alteration or extension of listed buildings
- 45. Provisions supplementary to Article 44
- 46. Duration of listed building consent
- 47. Revocation or modification of listed building consent
- 48. Applications to determine whether listed building consent required
- 49. Acts causing or likely to result in damage to listed buildings

Changes to legislation: The Planning (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 30 June 2024. 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)

# Areas of special architectural or historic interest

- 50. Conservation areas
- 51. Control of demolition in conservation areas
- 52. Grants in relation to conservation areas

#### Hazardous substances

- 53. Requirement of hazardous substances consent
- 54. Applications for hazardous substances consent
- 55. Determination of applications for hazardous substances consent
- 56. Special procedure for major applications
- 57. Appeals
- 58. Grant of hazardous substances consent without compliance with conditions previously attached
- 59. Revocation or modification of hazardous substances consent
- 60. Effect of hazardous substances consent and change of control of land
- 61. Offences
- 62. Emergencies
- 63. Health and safety requirements
- 63A Review of mineral planning permissions

#### Trees

- 64. Duty of Department in relation to trees
- 65. Tree preservation orders
- 65A Provisional tree preservation orders
- 65B Replacement of trees
- 66. Penalties for contravention of tree preservation orders
- 66A Preservation of trees in conservation areas
- 66B Power to disapply Article 66A

#### Advertisements

67. Control of advertisements

#### PART VI

# **ENFORCEMENT**

# Introductory

- 67A Expressions used in connection with enforcement
- 67B Time limits

# Planning contravention notices

- 67C Power to require information about activities on land
- Penalties for non-compliance with planning contravention notice

Changes to legislation: The Planning (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 30 June 2024. 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)

#### Temporary stop notices

67E	Temporary	stop	notice

- 67F Temporary stop notice: restrictions
- 67G Temporary stop notice: offences

# Enforcement notices

- 68. Issue of enforcement notice
- 68A Contents and effect of enforcement notice
- 68B Variation and withdrawal of enforcement notices
- 69. Appeal against enforcement notice
- 70. Appeal against enforcement notice-general supplementary provisions
- 71. Appeal against enforcement notice supplementary provisions relating to planning permission
- 72. Offence where enforcement notice not complied with
- 73. Power to stop further development pending proceedings on enforcement notice
- 74. Execution and cost of works required by enforcement notice
- 75. Effect of planning permission, etc., on enforcement or breach of condition notice
- 76. Enforcement notice to have effect against subsequent development

#### Breach of condition

#### 76A Enforcement of conditions

# Injunctions

76B Injunctions

#### Listed buildings

- 77. Listed building enforcement notices
- 78. Appeal against listed building enforcement notice
- 79. Effect of listed building consent on listed building enforcement notice
- 80. Urgent works to preserve building

#### Hazardous substances

- 81. Hazardous substances contravention notice
- 81A Variation of hazardous substances contravention notices

#### Trees

- 82. Enforcement of duties as to replacement of trees
- 82A Appeals against Article 82 notices
- 82B Execution and cost of works required by Article 82 notice
- 82C Enforcement of controls as respects trees in conservation areas

Changes to legislation: The Planning (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 30 June 2024. 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)

#### Discontinuance orders

83.	Enforcement	of orders	under /	Article	30
0.7.	Tantorcement	OI OIUCIS	unacı /	ATTICIE:	.)フ

Certificate	of	<sup>c</sup> lawful	use	or	devel	opmen

83A	Certificate	of lawful	nece of	evicting	1100 01	r devel	onment
δjA	Certificate	oi iawiui	ness or	existing	use of	ueve	ıopmenı

- 83B Certificate of lawfulness of proposed use or development
- 83C Certificates under Articles 83A and 83B: supplementary provisions
- 83D Offences
- 83E Appeals against refusal or failure to give decision on application
- 83F Further provisions as to appeals under Article 83E

#### Advertisements

# 84. Enforcement of advertisement control

# Rights of entry for enforcement purposes

- 84A Rights to enter without warrant
- 84B Right to enter under warrant
- 84C Rights of entry: supplementary provisions
- 84D Rights of entry for enforcement purposes: Crown land

### PART VII

# DEVELOPMENT SCHEMES AND ACQUISITION OF LAND

#### Development schemes

- 85. Development schemes
- 86. Adoption of development schemes

#### Acquisition of land, etc.

- 87. Acquisition of land for planning purposes
- 88. Compensation where unfit houses are acquired under this Part
- 89. Appropriation of land held for planning purposes
- 90. Disposal of land held for planning purposes
- 91. Development of land held for planning purposes
- Powers of Department before the acquisition of land for planning purposes
- 92. Recovery of possession of premises let by Department
- 93. Supplementary provisions

#### **PART VIII**

#### PURCHASE OF ESTATES IN CERTAIN LAND AFFECTED BY PLANNING DECISIONS

- 94. Service of purchase notice
- 94A Purchase notices: Crown land
- 95. Action by Department following service of purchase notice
- 96. Further ground of objection to purchase notice

Changes to legislation: The Planning (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 30 June 2024. 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)

- 97. Reference of counter-notices to Lands Tribunal
- 98. Effect of valid purchase notice
- 99. Special provision as to compensation under this Part

#### PART IX

#### **ROADS**

- 100. Orders extinguishing right to use vehicle on road
- 101. Provision of amenity for road reserved to predestrians
- 102. Extinguishment of public rights of way
- 103. Procedure for making orders under Article 100 or 102
- 104. Electronic communications apparatus

#### PART X

#### FURTHER PROVISIONS AS TO HISTORIC BUILDINGS

- 105. Historic Buildings Council
- 106. Grants and loans for preservation or acquisition of listed buildings
- 107. Acquisition of listed buildings by agreement
- 108. Acceptance by Department of endowments in respect of listed buildings
- 109. Compulsory acquisition of listed buildings

#### PART X1

# THE PLANNING APPEALS COMMISSION

- 110. The Planning Appeals Commission
- 111. Procedure of appeals commission

#### PART XII

# APPLICATION OF ORDER TO SPECIAL CASES

# Minerals

# 112. Minerals

#### Crown land

- 112A Application to the Crown
- 112B Enforcement in relation to the Crown
- 112C References to an estate in land
- 112D Applications for planning permission, etc. by Crown
- 112E Service of notices on the Crown
- 113. Application to Crown land
- Application for planning permission, etc. in anticipation of disposal of Crown land
- 115. Tree preservation orders in anticipation of disposal of Crown land
- 116. Control of development on Crown land
- 117. Requirement of planning permission for continuance of use instituted by Crown
- 118. Interpretation of Part XII

Changes to legislation: The Planning (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 30 June 2024. 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)

#### PART XIII

# MISCELLANEOUS AND SUPPLEMENTARY

- 119. Grants for research and bursaries
- 120. Grants to bodies providing assistance in relation to certain development proposals
- 121. Rights of entry
- 122. Supplementary provisions as to powers of entry
- 122A Supplementary provisions as to powers of entry: Crown land
- 123. Local inquiries
- 123A Inquiries to be held in public subject to certain exceptions
- 123B National security
- 124. Planning register
- 125. Information as to estates in land
- 125A Information as to estates in Crown land
- 126. Power to appoint advisory bodies or committees
- 127. Fees and charges
- 128. Time limit for certain summary offences under this Order
- 129. Regulations and orders
- 130. Financial provision
- 131. Registration of matters in Statutory Charges Register
- 132. Transitional provisions

Article 133—Amendments and repeals

# **SCHEDULES**

# SCHEDULE 1 — LISTED BUILDING CONSENT-APPLICATIONS AND APPEALS

Form and content of applications

Publication of notices of applications

Notification of applications to certain persons

Determination of application

Consent to execute works without compliance with conditions previously attached

Effect of listed building consent

**Appeals** 

Appeal in default of planning decision

Power to decline to determine application

Power to decline to determine subsequent application

Power to decline to determine overlapping application

	<ul><li>REVIEW OF OLD MINERAL PLANNING PERMISSIONS</li><li>Interpretation</li></ul>
1	•
	— Phase I and II sites
2	
	— The "first list"
3	
	— The "second list"
4	
	<ul> <li>Advertisement of the first and second lists</li> </ul>

Document Generated: 2024-06-30

# Status: Point in time view as at 17/10/2006.

Changes to legislation: The Planning (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 30 June 2024. 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)

5.	······	Applications for inclusion in the first list of sites not included in that list as originally prepared and appeals from decisions upon such
6.		applications
0.		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.	·····	Service on owners etc. of notice of preparation of the first and second lists
8.	· · · · · · · · · · · · · · · · · · ·	Applications for approval of conditions and appeals in cases where
9.	·····-	the conditions approved are not those proposed Notice of determination of conditions to be accompanied by
10.		additional information in certain cases
		Right to appeal against Department's determination of conditions etc
11.	·····	Permissions ceasing to have effect
12.	·····	Special procedure for major applications under paragraph 9
13.		
14.		····
15.	<del></del>	Compensation
16.	<u> </u>	Appeals: general procedural provisions
SC		PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS Duty to carry out periodic reviews
1.	· · · · · · · · · · · · · · · · · · ·	Interpretation
2.		•
3.		·
4.	·····	Service of notice of first periodic review
5.		Application for postponement of the first review date
6.		
7		Application to determine the conditions to which the mineral permissions relating to a mining site are to be subject
7.	·····	Permissions ceasing to have effect
8.	· · · · · · · · · · · · · · · · · · ·	Appeals
9.		·
10.		Special procedure for major applications under paragraph 7

Changes to legislation: The Planning (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 30 June 2024. 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)

	<ul> <li>Time from which conditions determined under this Schedule are to take effect</li> </ul>
11.	
	— Two or more applicants
12.	••
	<ul> <li>Second and subsequent periodic reviews</li> </ul>
13.	· · ·
	— Compensation
14.	<u>*</u>

# SCHEDULE 2 — MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 87(3)

- 1. References to the Ministry or to the council shall be construed as references to the
- 2. References to Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall be construed...
- 3. Omit paragraph 1 of that Schedule.
- 4. In paragraph 2 of that Schedule— (a) for the words "Notice of the application" substitute...
- 5. In paragraph 3(1)(b) after the word "held" insert the words "by the planning appeals...
- 6. In paragraph 4 omit the words from "and may provide" onwards.
- 7. In paragraph 5— (a) in sub-paragraph (1)(a) omit the words "in the prescribed form and...
- 8. in paragraph 6(2) for the words "fund out of which the expenses of the council...
- 9. In paragraph 11(3) omit the words "in the prescribed form".
- 10. In paragraph 12— (a) in sub-paragraph (1) omit the words "such" and "as may be...
- 11. In paragraph 14(1) omit the words "in the prescribed form".
- 12. In paragraph 15(1) for the words "in the prescribed form" substitute the words "in...
- 13. Omit paragraph 19.
- 14. Omit paragraph 20(2).

#### SCHEDULE 3 — THE HISTORIC BUILDINGS COUNCIL

- 1. The Council shall consist of a Chairman appointed by the Head of the Department and...
- 2. A member of the Council shall hold office for a maximum period of three years...
- 3. The Department may pay to the Chairman and members of the Council allowances for travelling...
- 4. (1) The Council shall, subject to sub-paragraph (4), appoint such committees as the Department may...
- 5. The Council may regulate its own quorum and procedure and that of its committees which...
- 6. The Council shall, at such times and in respect of such periods as the Department...
- 7. The secretary to the Council shall be such person as the Department may appoint.

Document Generated: 2024-06-30

Status: Point in time view as at 17/10/2006.

Changes to legislation: The Planning (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 30 June 2024. 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)

- 1. Where by virtue of paragraph (1) of Article 12 of the Amendment Order an object...
- 2. Any daily fine mentioned in this Order shall apply to every day after the coming...
- 3. Article 23 shall not apply in relation to any development which was begun before the...
- 5. The right of appeal under Articles 69 and 78 conferred on a person mentioned in...
- 6. Article 116 shall apply to any development carried out after the day on which the...
- 7. In this Schedule "the Amendment Order" means the Planning and Building Regulations (Amendment) (Northern Ireland)...
  - Schedule 5—Amendments;
  - Schedule 6—Repeals

# **Status:**

Point in time view as at 17/10/2006.

# **Changes to legislation:**

The Planning (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 30 June 2024. 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.