

1993 No. 278

PLANNING

**Planning (General Development) Order
(Northern Ireland) 1993**

Made 18th June 1993

Coming into operation 1st August 1993

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The Department of the Environment, in exercise of the powers conferred on it by Article 67(3) of the Planning (Northern Ireland) Order 1972(a), and Articles 13, 20, 22(7), 31(1), 33, 94(4), 124(1) of the Planning (Northern Ireland) Order 1991(b), Articles 13, 20(1) and 33 of that Order as applied by Article 41(2) of that Order and Article 124(1) of that Order as applied by Regulations(c), made under Article 116(7) of that Order and of all other powers enabling it in that behalf, hereby makes the following order:

Application, citation and commencement

1.—(1) This Order shall, subject to paragraph (2), apply to all land in Northern Ireland.

(2) Where a special development order is made as to any land this Order shall apply thereto to such an extent only and subject to such modifications as may be specified in the special order.

(3) Nothing in this Order shall apply to any permission which is deemed to be granted under Article 67(5) of the 1991 Order.

(4) This Order may be cited as the Planning (General Development) Order (Northern Ireland) 1993 and shall come into operation on 1st August 1993.

Interpretation

2.—(1) In this Order unless the context otherwise requires—

“the 1972 Order” means the Planning (Northern Ireland) Order 1972;

“the 1991 Order” means the Planning (Northern Ireland) Order 1991;

“aerodrome” has the meaning assigned to it in section 19(1) of the Aerodromes Act (Northern Ireland) 1971(d);

“area of outstanding natural beauty” means an area so designated under Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(e);

“area of special scientific interest” means an area so designated under Article 24 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

“aqueduct” does not include an underground conduit;

“betting office” means any premises in respect of which there is in force a bookmaking office licence under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985(f);

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- (a) S.I. 1972/1634 (N.I. 17) as amended by S.I. 1991/1220 (N.I. 11) Art. 133(1) and Sch. 5; *see* Sch. 5 and Article 2(2) of S.I. 1991/1220 (N.I. 11) for the definition of “the Department” and “development order”
- (b) S.I. 1991/1220 (N.I. 11); *see* Article 2(2) for the definition of “the Department” and “development order”
- (c) S.R. 1990 No. 446; the reference in these regulations to Article 97D(7) of S.I. 1972/1634 (N.I. 17) is to be construed as a reference to Article 116(7) of S.I. 1991/1220 (N.I. 11)
- (d) 1971 c. 15 (N.I.)
- (e) S.I. 1985/170 (N.I. 1)
- (f) S.I. 1985/1204 (N.I. 11)

- “building” does not include plant or machinery or a structure or erection of the nature of plant or machinery, and in Schedule 1 does not include any gate, fence, wall or other means of enclosure but except as aforesaid includes any structure or erection and any part of a building as so defined;
- “caravan” and “caravan site” have the meanings respectively assigned to them by the Caravans Act (Northern Ireland) 1963(a);
- “classified road” and “trunk road” have the same meaning as in the Roads (Northern Ireland) Order 1980(b);
- “conservation area” means land which is within an area designated as a conservation area under Article 50 of the 1991 Order;
- “cubic content” means the cubic content of a structure or building measured externally;
- “the Department” means the Department of the Environment;
- “dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building;
- “Enterprise Order” means the Enterprise Zones (Northern Ireland) Order 1981(c);
- “existing” in relation to any building, plant or machinery means (except in the definition of “original”) existing immediately before the carrying out of development described in this Order;
- “flat” means a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;
- “floor space” means the total floor space in a building or buildings;
- “hazardous substance” has the meaning assigned to that term in regulation 3(1) of the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993(d);
- “industrial process” means a process for or incidental to any of the following purposes—
- (a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
 - (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
 - (c) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine;

(a) 1963 c. 17 (N.I.)

(b) S.I. 1980/1085 (N.I. 11)

(c) S.I. 1981/607 (N.I. 15)

(d) S.R. 1993 No. 275

- “landscaping” means the treatment of land (other than buildings) being a site or part of a site in respect of which an outline planning permission is granted, for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, the planting of trees, hedges, shrubs or grass, the formation of banks, terraces or other earthworks, the laying out of gardens or courts, and the provision of other amenity features;
- “liquefied petroleum gas” means commercial butane or commercial propane as defined in British Standard 4250: 1975;
- “microwave” means that part of the radio spectrum above 1000 MHz;
- “microwave antenna” means a satellite antenna or a terrestrial microwave antenna;
- “National Park” means an area so designated under Article 12(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
- “nature reserve” has the meaning assigned to it by Article 2(2) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
- “Notification Regulations” means the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984(a);
- “notifiable quantity” has the meaning assigned to that term by regulation 2(1) of the Notification Regulations;
- “operational land” in relation to the undertakers specified in Part 13, 14 and 15 of Schedule 1, means—
- (a) land which is used for the purpose of carrying on their undertakings; and
 - (b) land in which an interest is held for that purpose;
- not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of carrying on those undertakings:
- Provided that where an interest in land is held by such undertakers for the purpose of carrying on their undertaking and—
- (a) the interest was acquired by them on or after 1st October 1973; or
 - (b) it was held by them immediately before that date but the circumstances at that date were such that the land did not fall to be treated as operational land had this order applied to it,
- that land shall not be treated as operational land unless there is in force with respect to the land a planning permission granted on an application made in that behalf under Part IV of the 1991 Order for its development and that development, if carried out, would involve the use of the land for the purpose of the carrying on of the undertaking;

“original” means, in relation to a building existing on 1st October 1973, as existing on that date; and in relation to a building built on or after that date as so built;

“outline planning permission” means a planning permission for the erection of a building which is granted subject to a condition (in addition to any other conditions which may be imposed) requiring subsequent approval to be obtained from the Department with respect to one or more reserved matters;

“pipe line” means a pipe (together with apparatus and works associated therewith) or system of pipes (together with apparatus and works associated therewith), for the conveyance of anything other than air, water, water vapour or steam, not being—

- (a) a drain or sewer; or
- (b) a pipe or system of pipes constituting or comprised in apparatus for heating or cooling or for domestic purposes; or
- (c) a pipe or system of pipes on the site of any operations or works to which certain provisions of the Factories Act (Northern Ireland) 1965(a) apply by virtue of section 125(1) (building operations and works of engineering construction) of that Act; or
- (d) a pipe or system of pipes wholly situate within the boundaries of an agricultural unit and designed for use for the purposes of agriculture; or
- (e) a pipe or system of pipes wholly situate in premises used for the purposes of education or research; or
- (f) a pneumatic despatch tube.

For the purposes of this definition the following apparatus and works, and none other, shall be treated as being associated with a pipe, or system of pipes, namely—

- (a) apparatus for inducing or facilitating the flow of anything through the pipe or, as the case may be, through the system or any part thereof;
- (b) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the course of, the pipe or system;
- (c) apparatus for supplying energy for the operation of any such apparatus as is mentioned in (a) or of any such works as are mentioned in (b);
- (d) apparatus for the transmission of information for the operation of the pipe or system;
- (e) apparatus for affording cathodic protection to the pipe or system;
- (f) a structure for exclusive support of a part of the line or system;

“plant or machinery” includes any structure or erection in the nature of plant or machinery;

(a) 1965 c. 20 (N.I.) as amended by S.R. & O. (N.I.) 1973 No. 211; S.I. 1978/1039 (N.I. 9) Arts. 51, 56(2), Schs. 5 and 7; S.R. 1979 No. 246; (Prosp.) S.I. 1990/246 (N.I. 2) Art. 19(1) Sch. 4; S.I. 1991/194 (N.I. 1) Art. 32; S.R. 1991 No. 105

- “private way” means a way or footpath which is not a public road or any part thereof;
- “public vehicle” means a public service vehicle, excluding a taxi, which has the meaning assigned to it by Article 2(2) of the Road Traffic (Northern Ireland) Order 1981(a);
- “reserved matters” in relation to an outline planning permission or an application for such permission, means any of the following matters in respect of which details have not been given in the application, namely—
- (a) siting,
 - (b) design,
 - (c) external appearance,
 - (d) means of access,
 - (e) the landscaping of the site;
- “satellite antenna” means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them and includes any mountings or brackets attached to such apparatus;
- “site of archaeological interest” means land which has been scheduled for protection or taken into care under the Historic Monuments Act (Northern Ireland) 1971(b) or which is within a site registered in the Department’s Sites and Monuments Record;
- “special road” means a road designated as a special road under Article 14 of the Roads (Northern Ireland) Order 1980;
- “terrace house” means a dwellinghouse situated in a row of three or more dwellinghouses used or designed for use as single dwellings, where—
- (a) it shares a party wall with, or has a main wall adjoining the main wall of the dwellinghouse on either side; or
 - (b) if it is at the end of a row it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of (a) above;
- “terrestrial microwave antenna” means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two or more fixed points;
- “unadopted street” means a street other than a public road;
- “the Use Classes Order” means the Planning (Use Classes) Order (Northern Ireland) 1989(c).

(2) Any reference in this Order to the height of a building or of plant or machinery shall be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” means the level of the surface of the ground immediately adjacent to the building or

(a) S.I. 1981/154 (N.I. 1)

(b) 1971 c. 17 (N.I.)

(c) S.R. 1989 No. 290

plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

(3) References to the use of land for a specified purpose do not include references to the use of land—

- (a) without planning permission, or
- (b) in contravention of previous planning control.

Permitted development

3.—(1) Subject to the provisions of this Order, planning permission is hereby granted for the classes of development described as permitted development in Schedule 1.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 1.

(3) References in the following provisions of this Order to permission granted by Schedule 1 or by any part, class or paragraph of that Schedule is a reference to the permission granted by this Article in relation to development described in that Schedule or that provision of that Schedule.

(4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part IV of the 1991 Order otherwise than by this Order.

(5) The permission granted by Schedule 1 shall not, except in relation to development permitted by Parts 9 and 11, authorise any development which requires or involves the construction, formation, laying out or alteration of a means of access to an existing road which is a special, trunk or classified road or which creates an obstruction to the view of persons using any road at or near any crest, bend, corner, junction or inter-section so as to be likely to cause danger to such persons.

(6) Any development falling within Part 11 of the Schedule 1 authorised by any Act or Order subject to the grant of any consent or approval shall not be treated for the purpose of this Order as authorised unless and until that consent or approval is obtained.

(7) Schedule 1 does not grant permission for the laying or construction of a pipe line which contains, or is intended to contain a hazardous substance, except in the case of the laying or construction of a pipe line by a gas undertaker in accordance with Part 13 Class D which contains or is intended to contain no hazardous substance other than—

- (a) a flammable gas (as specified in item 1 of Part 2 of Schedule 1 to the Notification Regulations) at a pressure of less than 8 bars absolute; or
- (b) a liquid or mixture of liquids as specified in item 4 of Part 2 of that Schedule.

Directions restricting permitted development

4.—(1) If the Department is satisfied, after consultation with the appropriate district council, that it is expedient that development described in any Part, Class or paragraph in Schedule 1, other than development within

Part 16, should not be carried out unless permission is granted for it on an application, the Department may, subject to paragraph (2) give a direction that the permission granted by Article 3 shall not apply to—

- (a) all or any development of the Part, Class or paragraph in question in any particular area specified in the direction; or
- (b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction.

(2) A direction under paragraph (1) shall not affect the carrying out of—

- (a) development permitted by Part 11;
- (b) any development in an emergency; or
- (c) any development mentioned in Part 17, unless the direction specifically so provides.

(3) A direction given or having effect as if given under this Article shall not, unless the direction so provides, affect the carrying out by statutory or other undertakers of the following descriptions of development—

- (a) the maintenance of bridges, buildings and railway stations;
- (b) the alteration and maintenance of railway track, and the provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;
- (c) the maintenance of docks, harbours, quays and wharves;
- (d) the provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, bank, wharf or basin;
- (e) any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;
- (f) the maintenance of buildings, runways, taxiways or aprons at an aerodrome;
- (g) the provision, alteration and maintenance of equipment, apparatus and works at an aerodrome, required in connection with the movement of traffic by air (other than buildings, the construction, erection, reconstruction or alteration of which is permitted by Part 15 Class A of Schedule 1).

Notices relating to Article 4 directions

5.—(1) Subject to the provisions of paragraph (2) notice of any direction made under Article 4 shall be served by the Department on the owner and occupier of every part of the land affected, and such direction shall come into force in respect of any part of the land on the date on which notice thereof is served on the occupier of that part or if there is no occupier, on the owner thereof.

(2) Where in the case of a direction under Article 4(1)(a) the Department is of the opinion that having regard to the number of persons interested in the

land as owners or occupiers, or the difficulty of identifying and locating such persons, individual service in accordance with the provisions of paragraph (1) is impracticable, it shall publish notice of such direction in at least one newspaper circulating in the locality in which the land is situate.

(3) A notice published pursuant to paragraph (2) shall contain a concise statement of the effect of the direction and name a place where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours.

(4) Where a notice of a direction has been published in accordance with paragraph (3), the direction shall come into force on the date on which the notice is first published.

Directions restricting permitted development under Part 16

6.—(1) If, on receipt of a notification from any person that he proposes to carry out development within Part 16 of Schedule 1, the Department is satisfied as mentioned in paragraph (2), it may, within a period of 21 days beginning with the receipt of the notification, direct that the permission granted by Article 3 shall not apply to the development, or to such part of the development as is specified in the direction.

(2) The Department may make a direction under this Article if it is satisfied that it is expedient that the development, or any part of it, should not be carried out unless permission for it is granted on an application because—

(a) the development is to be carried out on land which is within or affects—

- (i) a conservation area,
- (ii) a National Park,
- (iii) a nature reserve,
- (iv) an area of outstanding natural beauty,
- (v) an area of special scientific interest, or
- (vi) a site of archaeological interest;

(b) the development, either taken by itself or taken in conjunction with other development which is already being carried out in the area or in respect of which notification has been given in pursuance of the provisions of Part 16, would cause serious detriment to the amenity of the area in which it is to be carried out or would adversely affect the setting of a listed building;

(c) the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or

(d) the development would endanger aircraft using a nearby aerodrome.

(3) As soon as reasonably practicable a copy of a direction under this Article shall be sent by the Department to the person who gave notice of the proposal to carry out development.

(4) A direction made under this Article shall contain a statement as to the date it will come into force.

Applications for planning permission

7.—(1) Subject to the following provisions of this Article, an application for planning permission shall—

- (a) be made on a form issued by the Department;
- (b) include the particulars specified in the form and be accompanied by a plan which identifies the land to which it relates and any other plans and drawings and information necessary to describe the development which is the subject of the application; and
- (c) be accompanied by 6 additional copies of the form, plans and drawings submitted with it, except where the Department indicates that a lesser number is required.

(2) In the case of an application for outline planning permission, details need not be given of any proposed reserved matters.

(3) An application—

(a) for renewal of planning permission where—

- (i) a planning permission was previously granted for development which has not yet begun, and
- (ii) a time limit was imposed under Article 34 (duration of planning permission) or Article 35 (duration of outline planning permission) of the 1991 Order which has not yet expired; or

(b) under Article 28 (application for variation of a condition subject to which the planning permission was granted) or Article 29(1)(b) (an application for permission to retain buildings or works or continue the use of land without compliance with a condition) of the 1991 Order;

shall be made in writing and give sufficient information to identify the previous grant of planning permission and any condition in question.

(4) The Department may by direction in writing addressed to the applicant require such further information as may be specified in the direction to enable it to determine any application.

Outline applications

8.—(1) Where an application is made to the Department for outline planning permission, the Department may grant permission subject to a condition specifying reserved matters for the Department's subsequent approval.

(2) Where the Department is of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, the Department shall notify the applicant that it is unable to determine it unless further details are submitted, specifying the further details it requires.

Application for approval of reserved matters

9. An application for approval of reserved matters—

- (a) shall be made on a form issued by the Department and shall give sufficient information to enable the Department to identify the outline planning permission in respect of which it is made;

- (b) shall include such particulars, and be accompanied by such plans and drawings as are necessary to deal with the matters reserved in the outline permission; and
- (c) shall be accompanied by 6 additional copies of the form, plans and drawings submitted with it, except where the Department indicates that a lesser number is required.

Application under Article 41 of the 1991 Order to determine whether planning permission required

10.—(1) An application to the Department for a determination under Article 41 of the 1991 Order shall be made in writing and shall contain a description of the operations or change of use proposed and be accompanied by plans or drawings sufficient to identify the land to which the application relates and the nature of the operations.

(2) Where the proposal relates to a change of use, a full description shall be given of the proposed use and of any use of land at the date when application is made (or, where the land is not in active use at that date, the purpose for which it was last used).

Time periods for decisions

11.—(1) Where an application is made to the Department under Articles 7, 9 or 10 the Department shall within the period specified in paragraph (2) give the applicant notice of its decision or determination.

(2) The period specified in this paragraph is—

- (a) a period of 2 months beginning with the date when the application was received by the Department; or
- (b) except where the applicant has already given notice of appeal to the planning appeals commission under Articles 32 and 33 of the 1991 Order, such extended period as may be agreed in writing between the applicant and the Department.

(3) For the purposes of this Article, the date when the application was received shall be taken to be the date when each of the following events has occurred—

- (a) the application form or application in writing has been lodged with the Department;
- (b) any certificate or documents required by the 1991 Order has been lodged with the Department; and
- (c) any fee required to be paid in respect of the application has been paid to the Department.

Applications made under planning condition

12. Where an application has been made to the Department for any consent, agreement or approval required by a condition imposed on a grant of planning permission (other than an application for approval of reserved matters) the Department shall give notice to the applicant of its decision on the application within a period of 2 months from the date when the application was received by the Department, or such longer period as may be agreed by the applicant and the Department in writing.

Written notice of decision or determination relating to a planning application

13. The Department shall give notice of a decision or determination in writing, and—

- (a) on an application for planning permission or for approval of reserved matters, where a permission or approval is granted subject to conditions or the application is refused, the notice shall state the reasons for the refusal or for any condition imposed;
- (b) on an application for a determination under Article 41 of the 1991 Order (whether forming part of an application for planning permission or not) the notice shall (except where the Department determines that the carrying out of operations or the making of a change in the use of the land would not constitute or involve development of the land) state the grounds for the determination.

Certificates and notices under Article 22 of the 1991 Order

14. Certificates and notices issued for the purpose of Article 22 of the 1991 Order shall be in the forms set out in Schedule 2.

Consultation as to applications for planning permission

15. Before determining an application for planning permission, the Department shall—

- (a) consult the district council for the area in which the land to which the application relates is situated and shall, in determining the application, take into account any representations received from the council;
- (b) consult with the Department of Economic Development where the development is within or adjacent to an area where toxic, highly explosive or inflammable substances are present.

Major planning applications under Article 31 of the 1991 Order

16. The notice to be served on an applicant for planning permission informing him that Article 31 of the 1991 Order has been applied to his application shall be in the form set out in Schedule 3.

Claims for compensation and purchase notices

17.—(1) A claim for compensataion made to the Department under Article 67 of the 1972 Order, or a purchase notice served on the Department under Article 94 of the 1991 Order shall be in writing.

(2) Any such claim or notice shall be served within 6 months or such longer period as the Department may allow, from the date of the decision in respect of which the claim or notice is made or given.

Register of Applications

18. The registers relating to matters referred to in Article 124(1)(a) to (c) of the 1991 Order shall contain the following information—

- (a) a copy (which may be photographic) of each application together with copies of plans and drawings submitted in relation thereto;

- (b) the decision notice, if any, in respect of the application, including details of any conditions subject to which the permission or consent was granted;
- (c) the reference number, the date and effect of any decision of the planning appeals commission in respect of the application;
- (d) brief details of any revocation or modification relating to any permission or consent, including date of issue.

Register of Simplified Planning Zones and Enterprise Zones

19. The register of simplified planning zones and enterprise zones shall contain the following information—

- (a)
 - (i) brief details of any action taken by the Department in accordance with Articles 14 to 18 of the 1991 Order to make or alter any simplified planning zone scheme, including the date of adoption, the date on which the scheme or alteration becomes operative and the date on which it ceases to be operative;
 - (ii) a copy of any simplified planning zone scheme, or alteration to an existing scheme including any documents which have been made available for inspection under Articles 5 and 6 of the 1991 Order as applied by Article 14 of that Order;
 - (iii) a map showing the boundary of any operative or proposed simplified planning zone scheme including any alterations to an existing scheme where appropriate;
- (b)
 - (i) brief details of any action taken by the Department in accordance with Articles 3 to 5, 7, 8 and 10 to 13 of the Enterprise Order to designate or modify any areas as an enterprise zone including the date of adoption of any scheme or modification to a scheme prepared in relation to the development of that area;
 - (ii) a copy of any scheme or modification to a scheme including documents which have been made available for inspection under Articles 3, 5, 8 and 10 of the Enterprise Order;
 - (iii) a map showing the boundary of any adopted or proposed scheme relating to an enterprise zone including modifications to an existing scheme where appropriate.

Register of Enforcement notices, etc

20. The register relating to matters referred to in Article 124(1)(d) and (e) of the 1991 Order and special enforcement notices under Article 116 of the 1991 Order, shall contain the following information—

- (a) the name and address of every person on whom notice is served in accordance with the relevant provisions of the 1991 Order, the address of the land to which the notice relates or a plan by reference to which its location can be ascertained;
- (b) the date of issue of the notice;
- (c) the date of service of copies of the notice and the date on which the notice is to take effect;

- (d) a statement or summary of the breach of planning control or hazardous substances control alleged and the requirements of the notice, including the period within which any required steps are to be taken;
- (e) the date of receipt of any appeal to the planning appeals commission and the date of final determination or withdrawal of any appeal, the appeal decision and any conditions imposed;
- (f) the date of service and, if applicable, of withdrawal of any stop notice referring to an enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice;
- (g) the date, if any, on which the Department is satisfied that steps required by the notice have been complied with.

Register of hazardous substances deemed consents

21. The register of hazardous substances consents deemed to be granted under paragraph 4 of Schedule 4 to the 1991 Order shall contain a copy of the relevant claim form.

Register of Orders and Directions

22. The register relating to matters contained in Article 124(1)(f) and (i) shall contain brief details of those Orders and Directions including the date of issue, any variation and any revocation or expiry as the case may be.

Revocations

23. The Orders specified in Schedule 4 are hereby revoked.

Sealed with the Official Seal of the Department of the Environment this
18th day of June 1993.

(L.S.)

J. McConnell

Assistant Secretary

DEVELOPMENT PERMITTED UNDER ARTICLE 3

PART 1

DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class A**Permitted
development****A. The enlargement, improvement or other
alteration of a dwellinghouse.***Development not
permitted*

- A.1 Development is not permitted by Class A if—
- (a) the design and external finishes are not in conformity with those of the original dwellinghouse;
 - (b) the cubic content of the resulting building exceeds the cubic content of the original dwellinghouse—
 - (i) in the case of a terrace house or in the case of a dwellinghouse in a conversation area, by more than 50 cubic metres or 10%, whichever is the greater;
 - (ii) in any other case by more than 70 cubic metres or 15%, whichever is the greater;
 - (iii) in any case by more than 115 cubic metres;
 - (c) the part of the building enlarged, improved or altered exceeds the height of the highest part of the roof of the original dwellinghouse;
 - (d) any part of the resulting building is nearer to any road which bounds its curtilage than the part of the original dwellinghouse nearest to that road;
 - (e) the part of the building enlarged, improved or altered is within 3 metres of the boundary of the curtilage of the dwellinghouse and exceeds 4 metres in height;
 - (f) the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) exceeds 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
 - (g) it consists of or includes the installation, alteration or replacement of a satellite antenna (see Class G);
 - (h) it consists of or includes an alteration to any part of the roof (see Class B); or

- (i) it would consist of or include the erection of a building within the curtilage of a listed building.

Interpretation of Class A

- A.2 For the purposes of Class A—
- (a) the erection within the curtilage of a dwellinghouse of any building with a cubic content greater than 10 cubic metres shall be treated as the enlargement of the dwellinghouse for all purposes including calculating cubic content where—
- (i) the dwellinghouse is in a conservation area; or
- (ii) in any other case, any part of that building is within 5 metres of any part of the dwellinghouse;
- (b) where any part of the dwellinghouse is within 5 metres of an existing building within the same curtilage, that building shall be treated as forming part of the resulting building for the purpose of calculating the cubic content.

Class B Permitted development

B. The enlargement, improvement or other alteration of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

- B.1 Development is not permitted by Class B if—
- (a) the design and external finishes are not in conformity with those of the original dwellinghouse;
- (b) any part of the dwellinghouse, as a result of the works, exceeds the height of the highest part of the existing roof;
- (c) any part of the dwellinghouse, as a result of the works, extends more than 15 centimetres beyond the plane of any existing roof slope which fronts any road;
- (d) it increases the cubic content of the dwellinghouse by more than 20 cubic metres, in the case of a terrace house, or 25 cubic metres in any other case; or
- (e) the cubic content of the resulting building exceeds the cubic content of the original dwellinghouse—
- (i) in the case of a terrace house by more than 50 cubic metres or 10% whichever is the greater;
- (ii) in any other case by more than 70 cubic metres or 15% whichever is the greater; or

(iii) in any case by more than 115 cubic metres;

(f) the dwellinghouse is in a conservation area.

Class C

Permitted development

Development not permitted

C. The erection or construction of a porch outside any external door of a dwellinghouse.

C.1 Development is not permitted by Class C if—

- (a) the design and external finishes are not in conformity with those of the original dwelling house;
- (b) the ground area (measured externally) of the structure exceeds 2 square metres;
- (c) any part of the structure is more than 3 metres above ground level; or
- (d) any part of the structure is within 2 metres of any boundary of the curtilage of the dwellinghouse with a road.

Class D

Permitted development

Development not permitted

D. The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse, or the maintenance, improvement or other alteration to such a building or enclosure.

D.1 Development is not permitted by Class D if—

- (a) any part of the building or enclosure to be constructed or provided is nearer to any road which bounds the curtilage than the part of the original dwellinghouse nearest to that road;
- (b) any building to be constructed or provided has a cubic content greater than 10 cubic metres and any part of it is within 5 metres of any part of the dwellinghouse;
- (c) the height of the building or enclosure to be constructed or erected exceeds—
 - (i) 4 metres, in the case of a building with a ridged roof; or
 - (ii) 3 metres, in any other case;
- (d) the total area of ground covered by buildings or enclosures to be constructed or erected within the curtilage (other than the original dwellinghouse) exceeds 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); or

- (e) in the case of land within a conservation area, an area of outstanding natural beauty, a National Park, or land within the curtilage of a listed building, it consists of the provision, alteration or improvement of a building with a cubic content greater than 10 cubic metres.

Interpretation of Class D

- D.2 For the purposes of Class D “purpose incidental to the enjoyment of the dwellinghouse” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse, but excludes the keeping of pigeons.

**Class E
Permitted
development**

- E. **The provision, within the curtilage of a dwellinghouse, of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse.**

**Class F
Permitted
development**

- F. **The erection or provision, within the curtilage of a dwellinghouse, of a container for the storage of oil or liquefied petroleum gas for domestic purposes.**

Development not permitted

- F.1 Development is not permitted by Class F if—
- (a) the capacity of the container exceeds—
 - (i) 3,500 litres, in the case of oil; or
 - (ii) 2,500 litres, in the case of liquefied petroleum gas;
 - (b) any part of the container is above the level of the ground by more than—
 - (i) 3 metres, in the case of an oil container; or
 - (ii) 2 metres, in the case of a liquefied petroleum gas container;
 - (c) any part of the container is nearer to any road which bounds the curtilage than the part of the original building nearest to that road.

**Class G
Permitted
development**

- G. **The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse.**

- G.1 Development is not permitted by Class G if—
 - (a) the size of the antenna (excluding any projecting feed element) when measured in any dimension exceeds 90 centimetres;
 - (b) there is any other satellite antenna on the dwellinghouse or within its curtilage;
 - (c) the highest part of the antenna to be installed on a dwellinghouse is higher than the highest part of the roof on which it is installed;
 - (d) any part of the antenna projects beyond the forward-most part of any wall of the original dwelling house which fronts on to a road;
 - (e) the antenna extends beyond the plane of any existing roof slope which fronts on to a road;
 - (f) the dwellinghouse is in a conservation area, an area of outstanding natural beauty, or a National Park.

Interpretation of Part 1

For the purposes of Part 1—
 “resulting building” means the dwellinghouse as enlarged, improved or altered, taking into account any enlargement, improvement or alteration to the original dwellinghouse, whether permitted by this Part or not.

PART 2

MINOR OPERATIONS

Class A
Permitted development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Development not permitted

- A.1 Development is not permitted by Class A if—
 - (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a road used or designed to be used by vehicular traffic exceeds 1 metre above ground level;
 - (b) the height of any other gate, fence, wall or means of enclosure erected or constructed exceeds 2 metres above ground level;
 - (c) the height of any gate, fence, wall or means of enclosure maintained, improved or altered exceeds its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater;

- (d) it involves development within the curtilage of, or to a gate, fence, wall or other means of enclosure, surrounding a listed building; or
- (e) it involves development on land determined by the Department as a private street in accordance with Article 3(1) of the Private Streets (Northern Ireland) Order 1980(a).

Class B**Permitted development**

- B. The formation, laying out and construction or alteration of a means of access to a road which is not a special, trunk or classified road, where that access is required in connection with development permitted by any class in this Schedule (other than by Class A of this Part).**

Development not permitted

- B.1 Development is not permitted in Class B if it is within a site of archaeological interest.

Class C**Permitted development**

- C. The painting of the exterior of any building or work.**

Development not permitted

- C.1 Development is not permitted by Class C where the painting is for the purpose of advertisement, announcement or direction.

Interpretation of Class C

- C.2 In Class C "painting" includes any application of colour.

PART 3

CHANGES OF USE

Class A**Permitted development**

- A. Development consisting of a change of use of a building to a use falling within Class 1 (shops) or Class 2 (financial, professional and other services) of the Schedule to the Use Classes Order from a use as a betting office or from a use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.**

Class B**Permitted development**

- B. Development consisting of a change of the use of a building—**
- (a) to a use falling within Class 4 (light industrial) of the Schedule to the Use Classes Order from a use falling within Class 5 (general industrial);

- (b) to a use falling within Class 4 (light industrial) of that Schedule from a use falling within Class 11 (storage and distribution);
- (c) to a use falling within Class 11 (storage and distribution) of that Schedule from a use falling within Class 4 (light industrial) or Class 5 (general industrial).

Development not permitted

- B.1 Development is not permitted by Class B where the change is to or from a use falling within Class 11 of the Schedule to the Use Classes Order if the change of use relates to more than 235 square metres of floorspace in the building.

Class C

Permitted development

- C. Development consisting of a change of use of any building with a display window at ground floor level to a use falling within Class 1 (shops) to the Schedule to the Use Classes Order from a use falling within Class 2 (financial, professional and other services).

Class D

Permitted development

- D. Development consisting of a change of use of a building to a use falling within Class 14 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class 12 (guest houses and hostels) or Class 13 (residential institutions).

PART 4

TEMPORARY BUILDINGS AND USES

Class A

Permitted development

- A. The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.

Development not permitted

- A.1 Development is not permitted by Class A if—
- (a) the operations referred to are mining operations;
 - (b) planning permission is required for those operations but is not granted; or
 - (c) it is within a site of archaeological interest.

Conditions

- A.2 Development is permitted by Class A subject to the conditions that, when the operations have been carried out—

- (a) any building, structure, works, plant or machinery permitted by this Class shall be removed; and
- (b) any adjoining land on which development permitted by this Class is carried out shall as soon and so far as practicable, be reinstated to its condition before that development was carried out.

Class B**Permitted development**

- B. The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for any purpose referred to in paragraph B.2, and the provision on the land of any moveable structure for the purposes of the permitted use.**

Development not permitted

- B.1** Development is not permitted by Class B if—
- (a) the land in question is a building or is within the curtilage of a building;
 - (b) the use of the land is for a caravan site; or
 - (c) the land is within a site of archaeological interest.

Interpretation of Class B

- B.2** The purposes mentioned in Class B are—
- (a) the holding of a market;
 - (b) motor car and motorcycle racing including trials of speed, and practising for these activities.

PART 5

CARAVAN SITES

Class A**Permitted development**

- A. The use of land, other than a building, as a caravan site in any of the circumstances referred to in paragraph A.2.**

Conditions

- A.1** The use permitted by Class A shall be discontinued when the circumstances specified in paragraph A.2 cease to exist and all caravans on the site shall then be removed.

Interpretation of Part 5

- A.2** The circumstances mentioned in this Part are those specified in paragraphs 2, 3 and 6 to 10 of the Schedule to the Caravans Act (Northern Ireland) 1963(a), but in relation to those mentioned in paragraph 10 do not include use for winter quarters.

(a) 1963 c. 17 (N.I.)

AGRICULTURAL BUILDINGS AND OPERATIONS

Class A

Permitted development

- A. **The carrying out on agricultural land comprised in an agricultural unit of—**
- (a) works for the erection, extension or alteration of a building; or
 - (b) any excavation or engineering operations;
- reasonably necessary for the purposes of agriculture within that unit.**

Development not permitted

- A.1 Development is not permitted by Class A if—
- (a) the development is on agricultural land less than 0.5 hectares in area;
 - (b) it consists of or includes the erection, extension or alteration of a dwelling;
 - (c) a building, structure or works not designed for the purposes of agriculture is provided on the land;
 - (d) the nearest part of any building or structure so erected or extended is—
 - (i) more than 75 metres from the nearest part of a group of principal farm buildings; and
 - (ii) where the building or structure is over 300 square metres in ground area is less than 75 metres from a dwellinghouse (other than the dwellinghouse of any person engaged in agricultural operations on the said unit);
 - (e) the ground area to be covered by—
 - (i) any works or structure (other than a fence) for the purposes of accommodating livestock or any plant or machinery arising from engineering operations; or
 - (ii) any building erected or any building as extended or altered, other than a building to which paragraph A.1(d) applies, by virtue of Class A; exceeds 300 square metres, calculated as described in paragraph A.2;
 - (f) the height of any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome exceeds 3 metres, or 12 metres in any other case;

- (g) any part of the development is within 24 metres from the nearest part of a special road, or within 24 metres of the middle of a trunk or a first or second-class road or 9 metres from the middle of other classes of road.

Interpretation of Class A

A.2

For the purposes of Class A—

- (1) (a) the area of 0.5 hectares shall be calculated without taking into account any separate parcels of land;
- (b) the ground area referred to in paragraph A.1(e) is the ground area which the proposed development covers together with the ground area of any building (other than a dwellinghouse), or any structure, works, plant or machinery within the same unit which is being provided or has been provided within the preceding 2 years and any part of which is within 75 metres of proposed development.
- (2) “agricultural land” has the meaning assigned to it by the Agriculture Act (Northern Ireland) 1949(a);
- “agricultural unit” means land which is occupied as a unit for the purposes of agriculture other than fish farming but includes any dwellinghouse or other building occupied by the same person for the purpose of farming the land by the person who occupies the same unit;
- “building” does not include anything resulting from engineering operations.

Class B

Permitted development

B.

The winning and working on land held or occupied with land used for the purposes of agriculture of any minerals reasonably necessary for agricultural purposes within the agricultural unit of which it forms part.

Development not permitted

B.1

Development is not permitted by Class B if any excavation is within 24 metres of the nearest part of a special road or within 24 metres of the middle of a trunk or a first or second-class road or 9 metres from the middle of other classes of road.

- B.2 Development is permitted by Class B subject to the conditions—
- (a) that no mineral extracted during the course of the operation shall be moved to any place outside the land from which it is extracted, except to land which is held or occupied with that land and is used for the purposes of agriculture;
 - (b) the surface of the land shall be levelled and any topsoil replaced as the uppermost layer;
 - (c) the land shall so far as practicable be restored to its former condition before the extraction took place.

Interpretation of Class B

- B.3 For the purposes of Class B the expression “purposes of agriculture” includes fertilizing the land used for the purposes of agriculture, and the maintenance, improvement or alteration of any buildings, structures or works occupied or used for such purposes on land so used.

Class C

Permitted development

- C. The construction, formation, laying out or alteration of a means of access to a road.**

Development not permitted

- C.1 Development is not permitted in Class C if—
- (a) it is required in connection with development for which a planning application is necessary under Part IV of the 1991 Order; or
 - (b) the land is within a site of archaeological interest.

PART 7

FORESTRY BUILDINGS AND OPERATIONS

Class A

Permitted development

- A. The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of—**
- (a) works for the erection, extension or alteration of a building;
 - (b) the formation, alteration or maintenance of private ways;
 - (c) operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways;
 - (d) other operations (not including engineering or mining operations).

Development not permitted

- A.1 Development is not permitted by Class A if—
- (a) it consists of or includes the provision or alteration of a dwelling;
 - (b) the height of any building or works within 3 kilometres of the perimeter of an aerodrome exceeds 3 metres in height; or
 - (c) any part of the development is within 24 metres of the nearest part of a special road or within 24 metres of the middle of a trunk or a first or second-class road or 9 metres from the middle of other classes of road.

Conditions

- A.2 Development is permitted in Class A (c) subject to the following conditions—
- (a) the surface of the land shall be levelled and any topsoil replaced as the uppermost layer; and
 - (b) the land shall, so far as practicable, be restored to its condition before the development took place.

PART 8

INDUSTRIAL AND WAREHOUSE DEVELOPMENT

Class A

Permitted development

- A. The extension or alteration of an industrial building or a warehouse.**

Development not permitted

- A.1 Development is not permitted by Class A if—
- (a) the building as extended or altered is to be used for purposes other than those of the undertaking concerned;
 - (b) the building is to be used for a purpose other than—
 - (i) in the case of an industrial building, the carrying out of an industrial process or the provision of employee facilities;
 - (ii) in the case of a warehouse, storage or distribution or the provision of employee facilities;
 - (c) the height of the building as extended or altered exceeds the height of the original building;
 - (d) the cubic content of the original building is exceeded by more than 20%;
 - (e) the floorspace of the original building is exceeded by more than 750 square metres;

- (f) it materially affects the external appearance of the premises of the undertaking concerned;
- (g) any part of the development is within 5 metres of any boundary of the curtilage of the premises;
- (h) any part of the development is carried out within any boundary of the curtilage of the premises which adjoins the curtilage of any dwellinghouse or flat;
- (i) the development leads to a reduction in the space available for the parking or turning of vehicles;
- (j) the development is in a conservation area, an area of outstanding natural beauty or a National Park.

Conditions

A.2

Development is permitted in Class A subject to the conditions that any building extended or altered shall not be used to provide employee facilities—

- (a) between 7.00 p.m. and 6.30 a.m. for employees other than those present at the premises of the undertaking for the purposes of their employment;
- (b) if a notifiable quantity of a hazardous substance is present at the premises of the undertaking.

Interpretation of Class A

A.3

For the purposes of Class A—

- (a) the erection of any additional building within the curtilage of another building (whether by virtue of this category or otherwise) and used in connection with it is to be treated as the extension of that building, and the additional building is not to be treated as an original building;
- (b) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement;
- (c) “employee facilities” means social care or recreational facilities provided for employees of the undertaking, including creche facilities provided for the children of such employees.

Class B

Permitted development

B.

Development carried out on industrial land for the purposes of an industrial process consisting of—

- (a) the installation of additional or replacement plant or machinery or structures or erections of the nature of plant or machinery;
- (b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus; or
- (c) the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.

Development not permitted

- B.1 Development is not permitted in Class B(a) if—
- (a) it materially affects the external appearance of the premises of the undertaking concerned; or
 - (b) any plant or machinery exceeds a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

Interpretation of Class B

- B.2 In Class B “industrial land” means land used for the carrying out of an industrial process, including land used for the purpose of an industrial undertaking as a dock, harbour or quay, but does not include land in or adjacent to and occupied together with a mine.

**Class C
Permitted
development**

- C. **The creation of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned.**

Development not permitted

- C.1 Development is not permitted in Class C category if it would involve the removal of trees.

Interpretation of Part 8

- D. For the purposes of Part 8, In Classes A and C of this Part—
- “industrial building” means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purpose of an industrial undertaking but does not include a building on land in or adjacent to and occupied together with a mine;
 - “warehouse” does not include a building on land in or adjacent to and occupied together with a mine.

PART 9

REPAIRS TO UNADOPTED STREET AND PRIVATE WAYS

Class A

Permitted
development

- A. **The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way.**

PART 10

REPAIRS TO SERVICES

Class A

Permitted
development

- A. **The carrying out of any works for the purposes of inspecting, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any land for that purpose.**

PART 11

DEVELOPMENT UNDER LOCAL OR PRIVATE ACTS OR ORDERS

Class A

Permitted
development

- A. **Development authorised by—**
 (a) **any local or private Act of Parliament; or**
 (b) **by any order approved by both Houses of Parliament;**
which designates specifically the nature of the development authorised and the land upon which it may be carried out.

Conditions

- A.1 Development is not permitted by Class A if it consists of or includes—
- (a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or
 - (b) the construction, formation, laying out or alteration of a means of access to any road used by vehicular traffic;
- unless the prior approval of the detailed plans and specifications is first obtained from the Department.

PART 12

DEVELOPMENT BY DISTRICT COUNCILS

Class A

Permitted
development

- A. **The erection or construction and the maintenance, improvement or other alteration by a district council of—**

- (a) any small ancillary building, works or equipment on land belonging to or maintained by it required for the purposes of any function exercised by it on that land;
- (b) lamp standards, information kiosks, public shelters and seats, public drinking fountains, refuse bins or baskets, and similar structures or works required in connection with the operation of any public service administered by it.

Interpretation of Part 12

- A.1 For the purposes of this Part a reference to any small building, works or equipment is a reference to building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

PART 13

DEVELOPMENT BY STATUTORY AND OTHER UNDERTAKERS

Class A

Railway undertakings

Permitted development

- A. **Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.**

Development not permitted

- A.1 Development is not permitted by Class A if it consists of or includes—
- (a) the construction of a railway;
 - (b) the construction or erection of a hotel, railway station or bridge;
 - (c) the construction or erection otherwise than wholly within a railway station of a residential building, an office, or a building used for manufacturing or repair work; or
 - (d) the land is within a site of archaeological interest.

Interpretation of Class A

- A.2 For the purposes of Class A references to the construction or erection of any building or structure includes references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

Class B

Dock, pier, harbour or water transport undertakings

Permitted development

- B. **Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour or water transport undertakings, required—**

- (a) for the purposes of shipping; or
 (b) in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or the movement of traffic by any railway forming part of the undertaking.
- Development not permitted* B.1 Development is not permitted by Class B if—
 (a) it consists of or includes the construction or erection of a bridge or other building not required in connection with the handling of traffic; or
 (b) the land is within a site of archaeological interest.
- Interpretation of Class B* B.2 For the purposes of Class B references to the construction or erection of any building or structure includes references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.
- Class C Permitted development** C. **Electricity undertakings**
Development by electricity undertakers for the generation, transmission, distribution and supply of electricity for the purposes of the undertaking consisting of—
 (a) the laying underground of pipes, cables or any other apparatus, and the construction of shafts and tunnels reasonably necessary in connection with such pipes, cables or apparatus;
 (b) the installation in an electric line of—
 (i) feeder or service pillars; or
 (ii) sub-stations enclosed in a chamber not exceeding 40 cubic metres in capacity; or
 (iii) sub-stations enclosed in an underground chamber;
 (c) the installation of service lines for individual consumers from an electric line;
 (d) the addition or replacement of a single fibre optic telecommunications cable to an existing overhead line;
 (e) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;
 (f) the extension or alteration of buildings on operational land;

- (g) the erection on operational land of the undertaking of a building solely for the protection of plant or machinery;
- (h) any other development carried out in, on, over or under the operational land of the undertaking.

Development not permitted

C.1

Development is not permitted by Class C if—

- (a) in the case of any Class C(b) development involving the installation of a chamber for housing apparatus exceeding 40 cubic metres in capacity, that installation is carried out at or above ground level, or under a road used by vehicular traffic;
- (b) in the case of Class C(c) development, the length of the line exceeds 100 metres;
- (c) in the case of any Class C(f) development—
 - (i) the height of the original building is exceeded;
 - (ii) the cubic content of the original building is exceeded by more than 20%;
 - (iii) the floorspace of the original building is exceeded by more than 750 square metres;
 - (iv) it materially affects the external appearance of the buildings concerned;
 - (v) the development is in a conservation area, an area of outstanding natural beauty or a National Park;
- (d) in the case of any Class C(g) development, the building exceeds 15 metres in height;
- (e) in the case of any Class C(h) development, it consists of or includes—
 - (i) the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected; or
 - (ii) the installation or erection by way of addition or replacement of any plant or machinery exceeding 18 metres in height or the height of any plant or machinery replaced, whichever is the greater; or
- (f) the land is within a site of archaeological interest.

Conditions

C.2

Development is permitted by Class C subject to the following conditions—

- (a) in the case of any Class C(e) development, on the completion of that development, or at the end of a period of 6 months from the beginning of that development (whichever is the sooner) any such plant or machinery shall be removed and the land shall be restored as soon and so far as practicable to its condition before the development took place;
- (b) in the case of any Class C(g) development, approval from the Department of details of the design and external appearance of the building shall be obtained before development is begun.

**Class D
Permitted
development**

Gas undertakings

D. Development by a gas undertaker required for the purposes of its undertaking consisting of—

- (a) the laying underground of mains, pipes or other apparatus;
- (b) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure, flow or volume of gas, and structures for housing such apparatus;
- (c) any other development carried out in, on, over or under the operational land of the gas undertaking.

*Development
not permitted*

D.1 Development is not permitted by Class D if—

- (a) in the case of Class D(b) development involving the installation of a structure for housing apparatus exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level, or under any road used by vehicular traffic;
- (b) in the case of Class D(c) development—
 - (i) it consists of or includes the erection of a building, or the reconstruction or alteration of a building where its design or external appearance is materially affected;
 - (ii) it involves the installation of any plant or machinery or structures or erections of the nature of plant or machinery, exceeding 15 metres in height, or capable without addition of being extended to a height exceeding 15 metres; or

- (iii) it consists of or includes the replacement of any plant or machinery, by plant or machinery exceeding 15 metres in height or exceeding the height of the plant or machinery replaced, whichever is the greater;
- (d) the land is within a site of archaeological interest.
- Conditions* D.2 Development is permitted by Class D(c) subject to the condition that approval from the Department of details of the design and external appearance of any building shall be obtained before the development is begun.
- Interpretation of Class D* D.3 For the purposes of Class D—
“Gas undertaker” means an undertaker established under Article 14(1) of the Gas (Northern Ireland) Order 1977(a).
- Class E Permitted development** E. **Road passenger transport undertakings**
Development required for the purposes of the undertaking consisting of—
- (a) the installation of telephone cables and apparatus, huts, stop posts and signs required in connection with the operation of public service vehicles;
- (b) the erection or construction and the maintenance, improvement or other alteration of passenger shelters and barriers for the control of people waiting to enter public service vehicles;
- (c) any other development on operational land of the undertaking.
- Development not permitted* E.1 Development is not permitted by Class E(c) if it consists of—
- (a) the erection of a building or the reconstruction or alteration of a building where the design or external appearance would be materially altered;
- (b) the installation or erection by way of addition or replacement of any plant or machinery which exceeds 15 metres in height or the height of any plant or machinery it replaces, whichever is the greater; or
- (c) the land is within a site of archaeological interest.

Class F**Permitted development**

- F. Lighthouse undertakings**
Development required for the purposes of the functions of a general or local lighthouse authority under the Merchant Shipping Act 1894(a) and any other statutory provision made with respect to a local lighthouse authority, or in the exercise by a local lighthouse authority of rights, powers or duties acquired by usage prior to that Act.

Development not permitted

- F.1** Development is not permitted by Class F if—
- (a) it consists of or includes the erection of offices, or the reconstruction or alteration of offices where their design or external appearance would be materially affected; or
 - (b) the land is within a site of archaeological interest.

Class G**Permitted development**

- G. Post Office**
Development required for the purpose of the Post Office consisting of—
- (a) the installation of posting boxes or self-service machines;
 - (b) any other development carried out in, on, over or under the operational land of the undertaking.

Development not permitted

- G.1** Development is not permitted by Class G if—
- (a) it consists of or includes the erection of a building, or the reconstruction or alteration of a building where its design or external appearance is materially affected;
 - (b) it consists of or includes the installation or erection by way of addition or replacement of any plant or machinery which exceeds 15 metres in height or the height of any existing plant or machinery, whichever is the greater; or
 - (c) the land is within a site of archaeological interest.

PART 14

DEVELOPMENT BY CIVIL AVIATION AUTHORITY

Class A**Development by the Civil Aviation Authority within an aerodrome**

**Permitted
development**

- A. The carrying out by the Civil Aviation Authority or its agents, within the perimeter of an aerodrome at which the authority provides air traffic control services, of development in connection with—**
- (a) the provision of air traffic control services;
 - (b) the navigation of aircraft using the aerodrome; or
 - (c) the monitoring of the movement of aircraft using the aerodrome.

Class B

Development by the Civil Aviation Authority for air traffic control and navigation

**Permitted
development**

- B. The carrying out on operational land of the Civil Aviation Authority by the authority or its agents of development in connection with—**
- (a) the provision of air traffic control services;
 - (b) the navigation of aircraft; or
 - (c) monitoring the movement of aircraft.

*Development
not permitted*

- B.1** Development is not permitted by Class B if—
- (a) any building erected is used for a purpose other than housing equipment used in connection with the provision of air traffic control services, assisting the navigation of aircraft or monitoring the movement of aircraft;
 - (b) any building erected exceeds a height of 4 metres; or
 - (c) it consists of the installation or erection of any radar or radio mast, antenna or other apparatus which exceeds 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater;
 - (d) the development is in a conservation area, an area of outstanding natural beauty, a National Park, or within a site of archaeological interest.

Class C

Development by the Civil Aviation Authority in an emergency

**Permitted
development**

- C. The use of land by or on behalf of the Civil Aviation Authority in an emergency to station moveable apparatus replacing unserviceable apparatus.**

Condition

- C.1** Development is permitted by Class C subject to the condition that on or before the expiry of a period of 6 months beginning with the date on which the use

began, the use shall cease, and any apparatus shall be removed, and the land shall be restored so far as practicable to its condition before the development took place.

Class D

Development by the Civil Aviation Authority for air traffic control, etc.

Permitted development

D. The use of land by or on behalf of the Civil Aviation Authority to provide services and facilities in connection with—

(a) the provision of air traffic control services;

(b) the navigation of aircraft; or

(c) the monitoring of aircraft;

and the erection or placing of moveable structures on land for the purpose of that use.

Development not permitted

D.1 Development is not permitted in Class D if the land is within a site of archaeological interest.

Condition

D.2 Development is permitted by Class D subject to the condition that on or before the expiry of the period of 6 months beginning with the date on which the use began, the use shall cease, and any structure shall be removed, and the land shall be restored to its condition before the development took place.

Class E

Development by the Civil Aviation Authority for surveys etc.

Permitted development

E. The use of land by or on behalf of the Civil Aviation Authority for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.

Condition

E.1 Development is permitted by Class E subject to the condition that on or before the expiry of 6 months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be restored to its condition before the development took place.

PART 15

AVIATION DEVELOPMENT

Class A

Development at an aerodrome

Permitted development

A. The carrying out on operational land by an aerodrome undertaking of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at an aerodrome.

*Development
not permitted*

- A.1 Development is not permitted by Class A if—
- (1) It consists of or includes—
 - (a) the construction or extension of a runway;
 - (b) the construction of a passenger terminal;
 - (c) the extension or alteration of a passenger terminal, where the floorspace of the building as existing at the date of coming into operation of this Order or, if built after that date, of the building as built, is exceeded by more than 15%;
 - (d) the erection of a building other than an operational building;
 - (e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance is materially affected; or
 - (2) It is within a conservation area, an area of outstanding natural beauty, a National Park, or a site of archaeological interest.

Condition

- A.2 Development is permitted by Class A subject to the condition that the aerodrome undertaking consults the Department before carrying out any development unless the development—
- (a) is urgently required for the efficient running of the aerodrome; and
 - (b) consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.

*Interpretation of
Class A*

- A.3 For the purposes of Class A—
- (a) floorspace shall be calculated by external measurement and without taking account of the floorspace in any pier or satellite;
 - (b) “operational building” means a building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at an aerodrome.

**Class B
Permitted
development**

- B. Air navigation development at an aerodrome**
The carrying out on operational land within the perimeter of an aerodrome by an aerodrome undertaking of development in connection with—

- (a) the provision of air traffic control services;
- (b) the navigation of aircraft using the aerodrome; or
- (c) the monitoring of the movement of aircraft using the aerodrome.

Class C
Permitted development

C. **Air navigation development near an aerodrome**
The carrying out on operational land outside but within 8 kilometres of the perimeter of an aerodrome, by an aerodrome undertaking, of development in connection with—

- (a) the provision of air traffic control services;
- (b) the navigation of aircraft using the aerodrome; or
- (c) the monitoring of the movement of aircraft using the aerodrome.

Development not permitted

C.1 **Development is not permitted by Class C if—**

- (a) any building erected is used for a purpose other than housing equipment used in connection with the provision of air traffic control services, with assisting the navigation of aircraft, or with monitoring the movement of aircraft using the aerodrome;
- (b) any building erected exceeds a height of 4 metres;
- (c) it consists of the installation or erection of any radar or radio mast or antenna or other apparatus which exceeds 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus if greater;
- (d) the development is in a conservation area, an area of outstanding natural beauty, a National Park or a site of archaeological interest.

Class D
Permitted development

D. **Use of aerodrome buildings managed by an aerodrome undertaking**
The use of buildings within the perimeter of an aerodrome managed by an aerodrome undertaking for purposes connected with air transport services or other flying activities at that aerodrome.

- E. For the purposes of Part 15—
“undertaking” in relation to an aerodrome has
the meaning assigned to it by section 19(1)
of the Aerodromes Act (Northern Ireland)
1971.

PART 16

MINERAL EXPLORATION

Class A

Permitted
development

- A. **Development on any land during a period not exceeding 4 months consisting of—**
(a) **the drilling of boreholes;**
(b) **the carrying out of seismic surveys; or**
(c) **the making of other excavations;**
for the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.

Development
not permitted

- A.1 Development is not permitted by Class A if—
(a) the developer has not previously notified the Department in writing giving details of the location of the proposed development, target minerals, details of plant and operations and anticipated timescale;
(b) any operation is within an area of special scientific interest or site of archaeological interest;
(c) any explosive charge of more than 1 kilogram is used;
(d) any structure assembled or provided would exceed 3 metres in height where such structure would be within 3 kilometres of an aerodrome.

Conditions

- A.2 Development is permitted by Class A subject to the following conditions—
(a) the development shall be carried out in accordance with the details contained in the developer’s written notification to the Department referred to in paragraph A.1(a), unless the Department otherwise agrees in writing;
(b) no trees on the land shall be removed, felled, lopped or topped and no other thing shall be done on the land likely to harm or damage any trees, unless the Department so agrees in writing;
(c) before any excavation (other than a borehole) is made, any topsoil and any

subsoil shall be separately removed from the land to be excavated and stored separately from other excavated material and from each other;

- (d) within a period of 28 days from the cessation of operations unless the Department, in a particular case, agrees otherwise in writing—
 - (i) any borehole shall be adequately sealed;
 - (ii) any excavation shall be filled from material from the site;
 - (iii) any structure permitted by Class A and any waste material arising from development permitted by Class A shall be removed from the land;
 - (iv) the surface of the land on which any operations have been carried out shall be levelled and any topsoil replaced as the uppermost layer; and
 - (v) the land shall, so far as is practicable, be restored to its condition before the development took place.

Interpretation of Part 16

A.3

For the purposes of this Part—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

“structure” means a building, plant or machinery or other structure.

PART 17

DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS

Class A

Permitted development

A.

Development by or on behalf of a telecommunications code system operator for the purposes of the operator’s telecommunication system in, on, over or under land controlled by that operator or in accordance with his licence, consisting of—

- (a) **the installation, alteration or replacement of any telecommunications apparatus;**
- (b) **the use of land in an emergency for a period not exceeding 6 months to station and operate moveable telecommunications apparatus required for the replacement of unserviceable telecommunications apparatus, including**

the provision of moveable structures on the land for the purposes of that use;

- (c) the use of land for a period of 6 months for the purpose of erecting temporary buildings for housing moveable telecommunications apparatus all in connection with development authorised by a grant of planning permission; or**
- (d) any building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.**

Development not permitted

- A.1 Development is not permitted by Class A(a) if—
- (a) in the case of the installation of apparatus (other than on a building or other structure) the apparatus exceeds a height of 15 metres above ground level;
 - (b) in the case of the alteration or replacement of apparatus already installed (other than on a building or other structure), the apparatus, when altered or replaced exceeds the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;
 - (c) (i) subject to sub-paragraph (ii), in the case of the installation, alteration or replacement of apparatus on a building or other structure, the height of the apparatus (taken by itself) exceeds—
 - (aa) 15 metres, where it is installed, or is to be installed, on a building or other structure which is 30 metres or more in height; or
 - (bb) 10 metres in any other case;
 - (ii) the highest part of the apparatus when so installed, altered or replaced exceeds the height of the highest part of the building or structure by more than—
 - (aa) 10 metres, in the case of a building or structure which is 30 metres or more in height;
 - (bb) 8 metres, in the case of a building or structure which is more than 15 metres but less than 30 metres in height;
 - (cc) 6 metres in any other case;
 - (d) in the case of the installation or replacement of any apparatus other than—
 - (i) a mast or tower;

- (ii) any kind of antenna;
- (iii) a public call box; or
- (iv) any apparatus which does not project above the level of the surface of the ground,
 - where the ground or base area of the structure exceeds 1.5 square metres;
- (e) in the case of the installation, alteration or replacement on a building or structure of a microwave antenna or apparatus which includes or is intended for the support of such an antenna—
 - (i) the size of the antenna when measured in any dimension exceeds 1.3 metres (excluding any projecting feed element);
 - (ii) the development results in more than 2 microwave antennae on a building or 10 microwave antennae or any other structure; or
 - (iii) the building is a dwellinghouse;
- (f) in the case of development in a conservation area, an area of outstanding natural beauty or a National Park, it consists of—
 - (i) the installation or alteration of a microwave antenna or of any apparatus which includes or is intended for the support of such an antenna; or
 - (ii) the replacement of such an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced,

unless the development is carried out in an emergency.

Conditions

A.2

- (1) Development is permitted by Class A(a) subject to the condition that any antenna or supporting apparatus installed, altered or replaced on a building in accordance with that permission shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.
- (2) Development is permitted by Class A(b) subject to the condition that any apparatus or structure provided in accordance with that permission shall at the expiry of the relevant period be removed from the land and the land restored to its condition before the development took place.
- (3) Development consisting of the installation of apparatus on, over or under land controlled by the operator is permitted by Class A in a conservation

area, an area of outstanding natural beauty or a National Park subject to the condition that in the case of the installation of apparatus that operator shall—

- (a) except in a case of emergency, give notice in writing to the Department not less than eight weeks before development is begun of his intention to carry out such development; or
- (b) in a case of emergency, give written notice of such installation not later than 3 days after the emergency begins.

Interpretation

A.3

For the purposes of Class A—

“the 1984 Act” means the

Telecommunications Act 1984(a);

“land controlled by an operator” means land occupied by the operator by virtue of a legal freehold interest or a lease granted or extended for a term not less than 10 years;

“development in accordance with a licence” means development carried out by an operator in pursuance of a right conferred on that operator under the telecommunications code, and in accordance with any conditions relating to the application of that code imposed by the terms of his licence;

“public call box” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of a housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator;

“relevant period” means a period which expires either six months from the commencement of the use permitted by paragraph A.2 or when the need for that use ceases, whichever occurs first;

“telecommunications apparatus” means any apparatus falling within the definition of that term in paragraph 1 of Schedule 2 to the 1984 Act;

“the telecommunications code” means the code contained in Schedule 2 to the 1984 Act;

“telecommunications code system operator” means a person who has been granted a licence under section 7 of the 1984 Act which applies the telecommunications code to him in pursuance of section 10 of that Act;

“telecommunication system” has the meaning assigned to that term by section 4(1) of the 1984 Act.

PART 18

OTHER TELECOMMUNICATIONS DEVELOPMENT

Class A

Permitted development

A. The installation, alteration or replacement on any building or other structure of a microwave antenna and any structure intended for the support of a microwave antenna.

Development not permitted

- A.1 Development is not permitted by Class A if—
- (a) the building is a dwellinghouse;
 - (b) the development is permitted by Part 17;
 - (c) the building or structure is less than 15 metres in height;
 - (d) the development results in the presence on the building or structure of more than two microwave antennae;
 - (e) in the case of a satellite antenna, the size of the antenna, including its supporting structure but excluding any projecting feed element, exceeds 90 centimetres;
 - (f) in the case of a terrestrial microwave antenna—
 - (i) the size of the antenna, when measured in any dimensions but excluding any projecting feed element, exceeds 1.3 metres; and
 - (ii) the highest part of the antenna or its supporting structure is more than 3 metres higher than the highest part of the building or structure on which it is installed or is to be installed; or
 - (g) it is in a conservation area, an area of outstanding natural beauty or a National Park.

Conditions

- A.2 Development is permitted by Class A subject to the following conditions—
- (a) the antenna shall so far as is practicable, be sited so as to minimise its effect on the external appearance of the building or structure on which it is installed;

- (b) an antenna no longer needed for the reception or transmission of microwave radio energy shall be removed from the building or structure as soon as reasonably practicable.

PART 19

DEVELOPMENT AT AMUSEMENT PARKS

Class A**Permitted development**

- A. Development on land used as an amusement park consisting of—**
- (a) **the erection of booths or stalls or the installation of plant or machinery to be used for or in connection with the entertainment of the public within the amusement park; or**
- (b) **the extension, alteration or replacement of any existing booths or stalls, plant or machinery so used.**

Development not permitted

- A.1** Development is not permitted by Class A if—
- (a) in the case of any plant or machinery installed, extended, altered or replaced pursuant to this permission, that plant or machinery exceeds a height of 15 metres or the height of the highest existing structure (whichever is the lesser);
- (b) in the case of an extension to an existing building or structure, that building or structure as a result of the extension exceeds 5 metres above ground level or the height of the roof of the existing building or structure, whichever is the greater; or
- (c) in any other case, the height of the building or structure erected, extended, altered or replaced would exceed 5 metres above ground level;
- (d) the land is within 3 kilometres of the perimeter of an aerodrome.

Interpretation of Part 19

- A.2** For the purposes of this Part—
- “amusement park” means an enclosed area of open land, or any part of a seaside pier, which is principally used (other than by way of a temporary use) as a funfair or otherwise for the purpose of providing public entertainment by means of mechanical amusements and side-shows; but, where part only of an enclosed area is commonly so used as a funfair or for such

public entertainment, only the part so used shall be regarded as an amusement park; “booths or stalls” includes buildings or structures similar to booths or stalls.

PART 20

DEVELOPMENT REQUIRED UNDER THE ROADS (NORTHERN IRELAND) ORDER 1980

Class A

Permitted development

- A. **Development required by a notice served under the following provisions of the Roads (Northern Ireland) Order 1980—**
 - (a) **Article 30 and Schedule 2; and**
 - (b) **Article 44(1).**

PART I

PLANNING (NORTHERN IRELAND) ORDER 1981

Certificate under Article 22

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 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*

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 Article 22(1)(a) or (b) of the Planning (Northern Ireland) Order 1991;
- (b) has made due enquiries and is of the opinion that he is unable to issue a certificate which would satisfy the requirements of Article 22(1)(c) of the said Order 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

PLANNING (NORTHERN IRELAND) ORDER 1991

Planning Application: Notice under Article 22

[Notice for service on individuals]

- (a) Insert address or location of proposed development
- (b) Insert name of applicant
- (c) Insert description of proposed development

Proposed developments at (a)

TAKE NOTICE that application under the Planning (Northern Ireland) Order 1991 is being made to the Department of the Environment by (b)
 for permission to (c)

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

Signature of Applicant
or Agent

Date

PLANNING (NORTHERN IRELAND) ORDER 1991

Planning Application: Notice under Article 22

[Notice for publication in local newspaper]

- (a) Insert address or location of proposed development
- (b) Insert name of applicant
- (c) Insert description of proposed development

Proposed development at (a)

Notice is hereby given that application under the Planning (Northern Ireland) Order 1991 is being made to the Department of the Environment by (b)
 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 Department within 14 days from the date of publication of this notice.

PLANNING (NORTHERN IRELAND) ORDER 1991

Planning Appeal: Notice under Article 22

[Notice for service on individuals]

- (a) Insert address or location of proposed development
- (b) Insert name of appellant
- (c) Insert description of proposed development

Proposed development at (a)

TAKE NOTICE that an appeal under the Planning (Northern Ireland) Order 1991 is being made by (b) against the decision of the Department of the Environment on an application for planning 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

PLANNING (NORTHERN IRELAND) ORDER 1991

Planning Appeal: Notice under Article 22

[Notice for publication in local newspaper]

- (a) Insert address or location of proposed development
- (b) Insert name of appellant
- (c) Insert description of proposed development

Proposed development at (a)

Notice is hereby given that an appeal under the Planning (Northern Ireland) Order 1991 is being made by (b) against the decision of the Department of the Environment on an application for planning permission to (c)

.....

.....

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

PLANNING (NORTHERN IRELAND) ORDER 1991

NOTICE UNDER ARTICLE 31

Major Planning Application

To: (Name and address of applicant)

Nature and location of proposed development:

TAKE NOTICE that the Department of the Environment, in exercise of its powers under Article 31 of the Planning (Northern Ireland) Order 1991, considers that the above development, for which application for planning permission was made on (date of application), would, if permitted—

- *(a) involve a substantial departure from the development plan;
- *(b) be of significance to the whole or a substantial part of Northern Ireland;
- *(c) affect the whole of a neighbourhood; or
- *(d) consist of or include the construction, formation, laying out or alteration of a means of access to a trunk road, or of any other development of land within 67 metres of the middle of such a road, or of the nearest part of a special road.

The Department, therefore, by virtue of this notice, applies the said Article 31 to the said application.

* Delete as appropriate

Notes:

1. Article 31 of the Planning (Northern Ireland) Order 1991 empowers the Department of the Environment to cause a public local inquiry to be held by the Planning Appeals Commission for the purpose of considering representations made in respect of planning applications of major importance. Following consideration of the report of the Commission on the inquiry the Department issues its decision, which is final.
2. If a public local inquiry is not held the applicant is notified of the decision which the Department proposes to take on his application and is given the opportunity of a hearing before the Planning Appeals Commission before a final decision is issued. Following consideration of the report of the Commission the Department issues its final decision.

<i>Title</i>	<i>Reference</i>
Planning (General Development) Order (Northern Ireland) 1973	S.R. & O. (N.I.) 1973 No. 326
Planning (Use Classes and General Development Orders) (Amendment) Order (Northern Ireland) 1974	S.R. 1974 No. 38
Planning (General Development) (Amendment) Order (Northern Ireland) 1981	S.R. 1981 No. 222
Planning (General Development) (Amendment No. 2) Order (Northern Ireland) 1981	S.R. 1981 No. 385
Planning (General Development) (Amendment) Order (Northern Ireland) 1984	S.R. 1984 No. 434
Planning (General Development) (Amendment) Order (Northern Ireland) 1985	S.R. 1985 No. 366
Planning (General Development) (Amendment) Order (Northern Ireland) 1987	S.R. 1987 No. 36
Planning (General Development) (Amendment No. 2) Order (Northern Ireland) 1987	S.R. 1987 No. 438
Planning (General Development) (Amendment) Order (Northern Ireland) 1989	S.R. 1989 No. 291
Planning (General Development) (Amendment) Order (Northern Ireland) 1991	S.R. 1991 No. 196

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order consolidates with amendments the Planning (General Development) Order (Northern Ireland) 1973 and subsequent amending Orders.

The main purpose of the Order is to permit certain forms of development without express planning permission under the Planning (Northern Ireland) Order 1991 (the "1991 Order") (development permitted is detailed in Schedule 1). In some cases the permission given is subject to extensive qualifications and restrictions.

The main changes to permitted development rights in Article 3 and Schedule 1 are:

- (a) Extensions involving roof alterations have now been separated into a different class. They are not permitted in conservation areas (Part 1 Class B).
- (b) The provision or alteration or improvement of ancillary buildings with a capacity greater than 10 cubic metres within the curtilage of a dwelling house in a conservation area, area of outstanding natural beauty, National Park, or within the curtilage of a listed building is not permitted (Part 1 Class D).
- (c) The provision as permitted development of a hard surface for a purpose incidental to the enjoyment of a dwellinghouse, e.g., keeping a caravan (Part 1 Class E).
- (d) Erection of fences, walls, etc, on land determined as a private street under the Private Streets (Northern Ireland) Order 1980 is specifically excluded (Part 2 Class A).
- (e) The definition of "agricultural unit" has been amended to exclude fish farming (Part 6 Class A).
- (f) A condition requiring the restoration of the land has been added to development relating to forestry buildings and operations (Part 7).
- (g) Permitted development rights for industrial and warehouse development do not apply to areas of outstanding natural beauty and National Parks in addition to conservation areas. There are additional permitted development rights included for the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking and for the provision of employee facilities such as creches (Part 8).
- (h) In development permitted by District Councils the term "small building, works or equipment" has been explained (Part 12).
- (i) For electricity undertakers the installation or replacement of a telecommunications line and the sinking of boreholes to ascertain the nature of sub soil have been added to the permitted development rights. In the latter case the land must be restored to its former condition within 6 months. Extensions or alterations to buildings on

operational land of electricity undertakings land have been restricted to 750 square metres and are not permitted in conservation areas, areas of outstanding natural beauty or National Parks (Part 13 Class C).

- (j) Two new parts deal with development by the Civil Aviation Authority and aviation development (formerly included with development by statutory and other undertakers) (Parts 14 and 15). Development, except under certain classes, is not permitted in a conservation area, an area of outstanding natural beauty or a National Park and aerodrome undertakings are required to consult with the Department before carrying out development at an aerodrome.
- (k) A new class permitting certain development for the purpose of mineral exploration has been added (Part 16) and the Department may under Article 6 withdraw these rights if it thinks it is expedient to do so, and there is a requirement to notify the Department before carrying out development.
- (l) Permitted development for telecommunications code systems operators has been amended to allow the erection of building, works or equipment not exceeding 4 metres in height and 200 cubic metres in capacity, temporary use of land for a period of 6 months in connection with development for which planning permission has been granted, and to allow 10 microwave antennae (previously 2) to be erected on "other structures", i.e., towers. The requirement that buildings on which equipment is to be erected must be over 15 metres high has also been removed (Part 17).
- (m) A new class relating to development at amusement parks has been added (Part 19).
- (n) Development has not been permitted where it is likely to have effect on a site of archaeological interest. (Part 2 Class B, Part 4 Classes A and B, Part 6 Class C, Part 13 Classes A-G, Part 14 Classes B and D, Part 15 Classes A and C).

The Order also deals with directions restricting permitted development and notices connected therewith (Articles 4-6), procedures relating to planning applications (Articles 7-9), application under Article 41 of the 1991 Order to determine whether planning permission required (Article 10), time periods for decisions (Articles 11 and 12), notices of determination (Article 13) and consultations (Article 15).

Article 14 and Schedule 2 prescribe notices required under Article 22 of the 1991 Order (notification of application to certain persons) and Article 16 and Schedule 3 prescribe notice to be served where Article 31 of the 1991 Order (special procedure for major planning application) has been applied to an application.

Article 17 deals with claims for compensation and purchase notices and Articles 18-22 prescribe details to be contained in registers required to be kept under Article 124 of the 1991 Order.

Article 23 revokes the Planning (General Development) Order (Northern Ireland) 1973 and amending Orders listed in Schedule 4.

The restriction on permitted development rights relative to development which is likely to involve the presence of hazardous substances (except in the case of the laying of certain pipe lines by a gas undertaker) has been excluded. The presence of hazardous substances will in future be controlled by Articles 53-63 and 81 of the 1991 Order and the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 which come into operation at the same time as this Order.

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