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**);

(**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;

(**a**) S.R. 1984 No. 177