PLANNING

Interim Development

ORDER, DATED 10TH JULY, 1944, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION TWO OF THE PLANNING (INTERIM DEVELOPMENT) ACT (NORTHERN IRELAND), 1944.

1944. No. 58.

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The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred on it by section two of the Planning (Interim Development) Act (Northern Ireland), 1944, and of all other powers enabling it in that behalf, hereby makes the following Order :—

Preliminary.

Application, citation and operation.

1.—(1) This order shall apply to all land in Northern Ireland in respect of which a resolution is for the time being in force :

Provided that in the event of a special interim development order being made in relation to any such land, this order shall apply thereto to such extent only and subject to such modifications as may be specified in the special order.

(2) This order may be cited as the Planning (General Interim Development) Order (Northern Ireland), 1944.

Interpretation.

2.—(1) In this order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively :—

21 & 22 Geo. 5 Ch. 12 1944 Ch. 3

" The Act " means the Planning Acts (Northern Ireland), 1931 and 1944.

" Existing building " means a building erected or constructed before the resolution date, or begun before and completed after that date, or erected or constructed in pursuance of a contract made before that date, or erected or constructed in accordance with permission granted by or under this order or any previous interim development order or an order made under section four of the Planning and Housing Act (Northern Ireland), 1931.

" Interim development authority ", in relation to any land, means the authority empowered by this order to permit the development of that land.

" Mining undertakers " means undertakers engaged in the winning or working of minerals, whether by underground or surface working, and for the purposes of this order " minerals " includes sand and gravel.

" The Ministry " means the Ministry of Health and Local Government for Northern Ireland.

" Public Road " means a road or street in charge of or maintainable wholly or partly by or at the expense of any County or County District.

" Resolution " means a resolution to prepare or adopt a scheme, and " resolution date " means the date on which a resolution took effect or is deemed to have taken effect.

" Scheme " means a scheme under the Act, other than a supplementary scheme or a scheme varying an existing scheme.

" War damage " has the same meaning as in the War Damage Act, 1943. 6 & 7 Geo. 6 Ch. 21.

(2) For the purposes of this order development shall be deemed to be sanctioned by a government department if—

(*a*) any consent, authority or approval to or for the development is granted by the department in pursuance of any enactment ; or

(*b*) an order authorising the compulsory acquisition of land for the purpose of the development is made or confirmed by the department ; or

(*c*) consent is granted by the department to the appropriation of land for the purpose of the development or to the acquisition of land by agreement for that purpose ; or

(*d*) authority is given by the department for the borrowing of money for the purpose of the development, or for the application for that purpose of any money not otherwise so applicable ; or

(*e*) any undertaking is given by the department to pay a grant in aid in respect of the development in accordance with any enactment authorising the payment of such grants ;

and any reference in this order to an application for the sanction of a government department in respect of any development shall be construed accordingly.

(3) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of this order as it applies to the interpretation of an Act of the Parliament of Northern Ireland. 12 Geo. 5 Ch. 4.

Interim Development Authorities.

3. Subject as hereinafter provided, permission for the development of land to which this order applies may be granted— Authorities empowered to grant permission for development.

(*a*) in the case of land situated within the County Borough of Belfast, other than land belonging to the Belfast Harbour Commissioners and held by them for the purposes of their harbour undertaking, by the Council of the County Borough of Belfast.

(*b*) in the case of land belonging to the Belfast Harbour Commissioners and held by them for the purposes of their harbour undertaking, by the Belfast Harbour Commissioners.

(*c*) in the case of any other land, by the Council of the County, County Borough, Borough or Urban District, or (where powers under the Act of a County Council have been delegated to a Rural District Council) Rural District, in which the land is situated :

Provided that where immediately before the commencement of this order, any other authority specified in a special interim development

order made under section 2 of the Planning (Interim Development) Act (Northern Ireland), 1944, or in an order made under section 4 of the Planning and Housing Act (Northern Ireland), 1931, were empowered to permit the development of any such land, any permission so granted before the date of the coming into force of this order shall remain in effect as though granted by the interim development authority in relation to the said land under this order.

Permitted Development.

Permitted development.

4.—(1) Subject to the subsequent provisions of this order, development of the following classes may be undertaken upon land to which this order applies without the permission of the interim development authority, that is to say :—

Class I—Development authorised by any Act, or by any order approved by both Houses of Parliament, being an Act or order which specifically designates the land upon which the development may be carried out, except the erection, alteration or extension of buildings (including bridges and dams but not including any other structures or erections) ;

Class II—Development by a local authority or by statutory undertakers which has been sanctioned before the commencement of this order by any government department ;

Class III—The rebuilding, restoration or replacement of buildings and plant which have sustained war damage, except operations involving an increase in the cubic content of any building as it existed immediately before the occurrence of the damage, or a material alteration in the exterior of any such building ;

Class IV—The carrying out of alterations to existing buildings and of operations required for the maintenance of existing buildings except alterations affecting the exterior of, or required in connection with an alteration of the use of, any building ;

Class V—Development of any description specified in Part I of the Schedule to this order.

(2) For the purposes of this Article any development authorised by an Act or order subject to the grant of any consent or approval shall not be deemed to be so authorised unless and until that consent or approval is obtained ; and in relation to development authorised by any Act or order passed or approved after the commencement of this order, the foregoing provisions of this Article shall have effect subject to any provision to the contrary contained in the Act or order.

(3) In this Article the expression " local authority " includes the council of any county, county or other borough, urban or rural district, or any person exercising any of the functions of such council, a board of

guardians, the commissioners of a town, an education authority or any committee or board appointed wholly or partly by a county or district council or board of guardians or by several such councils or boards jointly.

Power to exclude certain development from permitted development in particular areas.

5.—(1) If as respects any area the interim development authority are satisfied that it is expedient, having regard to any proposals for the redevelopment of that area or to any other special circumstances affecting that area, that development of any description specified in paragraph (1) of Article 4 of this order should not be undertaken in that area unless permission therefor is granted on application made under this order, they may, with the consent of the Ministry, direct that the provisions of the said paragraph shall not apply to development of that description within that area.

(2) A direction under this Article may relate to development of any one or more of the classes specified in paragraph (1) of the said Article 4, or to development of any particular description comprised in any of those classes :

Provided that no such direction shall have effect in relation to the following development, that is to say :—

(*a*) in the case of development of Class I, development authorised by any Act passed after the commencement of this order, or any order approved by both Houses of Parliament after that date ;

(*b*) in the case of development of Class III, the restoration or replacement of plant, the carrying out of operations immediately necessary in consequence of war damage for avoiding danger to health or preventing the deterioration of any building or otherwise required for temporarily meeting the circumstances created by the damage, and the carrying out of any operations for the rebuilding, restoration or replacement of buildings which have sustained war damage the cost of which does not exceed such amount as may be specified, in relation to operations of that description, in the direction ;

(*c*) in the case of development of Class IV, the carrying out of alterations to, or operations required for the maintenance of, any building the cost of which does not exceed such amount as may be specified, in relation to buildings of that description, in the direction ;

(*d*) in the case of development of Class V, the carrying out in case of emergency of any development of that class, or the carrying out of development of any description specified in the first column of Part II of the Schedule to this order to the extent specified in relation thereto in the second column of that Part.