

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Cross Heading: Phase I and II sites. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 2

REVIEW OF OLD MINERAL PLANNING PERMISSION

Modifications etc. (not altering text)

- C1** Schs. 1-3: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

Phase I and II sites

2.—(1) This paragraph has effect for the purposes of determining which mineral sites are Phase I sites, which are Phase II sites, and which are neither Phase I nor Phase II sites.

(2) A mineral site is neither a Phase I nor a Phase II site where—

- (a) all the relevant planning permissions which relate to the site have been granted after 31st December 1993; or
- (b) some only of the relevant planning permissions which relate to the site have been granted after 31st December 1993, and the parts of the site to which those permissions relate constitute the greater part of that site.

(3) With the exception of those mineral sites which, by virtue of sub-paragraph (2), are neither Phase I nor Phase II sites, every mineral site is either a Phase I site or a Phase II site.

(4) Subject to sub-paragraph (2), where—

- (a) all the relevant planning permissions which relate to a mineral site were granted before 31st December 1980; or
- (b) some only of the relevant planning permissions which relate to the site were granted before 31st December 1980 and the parts of the site to which those permissions relate constitute the greater part of that site,

that mineral site is a Phase I site.

(5) Subject to sub-paragraphs (2) and (4), where—

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- (a) all the relevant planning permissions which relate to a mineral site were granted after 31st December 1980 but before 31st December 1993; or
- (b) some only of the relevant planning permissions which relate to the site were granted after 31st December 1980 but before 31st December 1993, and the parts of the site to which those permissions relate constitute the greater part of the site,

the mineral site is a Phase II site.

(6) In ascertaining, for the purposes of sub-paragraph (2) or (5), whether any parts of a mineral site constitute the greater part of that site, or whether a part of a mineral site is greater than any other part, that mineral site shall be treated as not including any part of the site which is a part where minerals development has been (but is no longer being) carried out and which has, in the opinion of the council, been satisfactorily restored; but no part of a site shall be treated as being not so included in the site unless the council is satisfied that any after care conditions which relate to that part have, so far as relating to that part, been complied with.

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