

**Status:** Point in time view as at 01/04/2015.

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## SCHEDULES

### SCHEDULE 1

Article 21(3)

#### CROWN APPLICATION

##### *Service of notices*

<sup>F1</sup>1. ....

#### Textual Amendments

**F1** Sch. 1 paras. 1-3 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

##### *Hazardous substances consent*

<sup>F1</sup>2. ....

#### Textual Amendments

**F1** Sch. 1 paras. 1-3 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

##### *Rights of entry*

<sup>F1</sup>3. ....

#### Textual Amendments

**F1** Sch. 1 paras. 1-3 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

4. After Article 122 of the principal Order (supplementary provisions as to rights of entry) insert—

#### **“Supplementary provisions as to powers of entry: Crown land**

**122A.**—(1) Article 121 applies to Crown land subject to the following modifications.

(2) A person shall not enter Crown land unless he has the relevant permission.

(3) Relevant permission is the permission of—

(a) a person appearing to the person seeking entry to the land to be entitled to give it; or

(b) the appropriate authority.

(4) In paragraph (4) the words from “, but a person” to the end of that paragraph shall be omitted.

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(5) Article 122 does not apply to anything done by virtue of this Article.

(6) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).”.

*Compulsory acquisition*

5.—(1) Article 87 of the principal Order (acquisition of land for planning purposes) is amended as follows.

(2) At the beginning of paragraph (1), insert “ Subject to paragraph (1A), ”.

(3) After paragraph (1) insert—

“(1A) The Department shall not acquire any estate in Crown land unless—

(a) it is an estate which is for the time being held otherwise than by or on behalf of the Crown; and

(b) the appropriate authority consents to the acquisition.”.

(4) After paragraph (9) insert—

“(10) “Appropriate authority” and “Crown land” shall be construed in accordance with Article 118(1).”.

F26. ....

**Textual Amendments**

F2 Sch. 1 paras. 6-11 repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

*Purchase notices*

F27. ....

**Textual Amendments**

F2 Sch. 1 paras. 6-11 repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

*Application to Crown land and planning permission  
in anticipation of disposal of Crown land*

F28. ....

**Textual Amendments**

F2 Sch. 1 paras. 6-11 repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

*Tree preservation orders*

F29. ....

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**Textual Amendments**

**F2** Sch. 1 paras. 6-11 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

*Special enforcement notices*

**F2**10. ....

**Textual Amendments**

**F2** Sch. 1 paras. 6-11 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

*Requirement of planning permission for continuance of use instituted by Crown*

**F2**11. ....

**Textual Amendments**

**F2** Sch. 1 paras. 6-11 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

*Definitions*

12.—(1) Article 118 of the principal Order is amended as follows.

(2) In paragraph (1) for the definition of “Crown estate” substitute—

““Crown estate” means any of the following—

- (a) an estate belonging to Her Majesty in right of the Crown;
- (b) an estate belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
- (c) such other estate as the Department may specify by order subject to affirmative resolution;”.

(3) After paragraph (1) insert—

“(1A) For the purposes of an application for planning permission made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no estate a reference to the appropriate authority must be construed as a reference to the person who makes the application.”.

(4) Paragraph (3) is omitted.

*Information as to estates in land*

13. After Article 125 of the principal Order (information as to estates in land) insert—

**“Information as to estates in Crown land**

**125A.**—(1) This Article applies to an estate in Crown land which is not a private estate.

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- (2) Article 125 does not apply to an estate to which this Article applies.
- (3) For a purpose mentioned in Article 125(1) the Department may request the appropriate authority to give it such information as to the matters mentioned in Article 125(2) as the Department specifies in the request.
- (4) The appropriate authority shall comply with a request under paragraph (3) except to the extent—
  - (a) that the matter is not within the knowledge of the authority, or
  - (b) that to do so will disclose information as to any of the matters mentioned in Article 123A(3).
- (5) Expressions used in this Article and in Part XII shall be construed in accordance with that Part.”.

## SCHEDULE 2

Article 25

### CROWN APPLICATION – TRANSITIONAL PROVISIONS

#### **PART 1**

#### PLANNING PERMISSION

##### *Introduction*

1. This Part applies to a development if—
  - (a) it is a development for which before the relevant date no planning permission is required,
  - (b) it is not a development or of a description of development for which planning permission is granted by virtue of a development order, and
  - (c) before the relevant date proposed development notice had been given to the Department.
2. In this Part—
  - (a) the relevant date is the date of the coming into operation of Article 21(1);
  - (b) proposed development notice is notice of a proposal for development given by the developer in pursuance of arrangements made by the Department in relation to development by or on behalf of the Crown;
  - (c) the developer is the Crown or a person acting on behalf of the Crown.

##### *Acceptable development*

- 3.—(1) This paragraph applies if before the relevant date in pursuance of the arrangements the Department has given notice to the developer that it finds the proposed development acceptable.
  - (2) The notice shall be treated as if it is planning permission granted under Part IV of the principal Order.
  - (3) If the notice is subject to conditions the conditions have effect as if they are conditions attached to the planning permission.

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4.—(1) This paragraph applies if before the relevant date the Department has in pursuance of the arrangements kept a register of proposed development notices.

(2) The register shall be treated as if it is part of the register kept by the Department in pursuance of Article 124 of the principal Order.

#### *Pending proposals*

5.—(1) This paragraph applies if before the relevant date—

- (a) proposed development notice has been given, but
- (b) the Department has not given notice to the developer as mentioned in paragraph 3.

(2) The principal Order applies as if the proposal is an application for planning permission duly made under that Order.

## **PART 2**

### **LISTED BUILDINGS CONSENT AND CONSERVATION AREA CONSENT**

#### *Introduction*

6. This Part applies to works if—

- (a) they are works for which before the relevant date no listed building consent is required, and
- (b) before the relevant date proposed works notice had been given to the Department.

7. In this Part—

- (a) the relevant date is the date of the coming into operation of Article 21(1);
- (b) proposed works notice is notice of a proposal for works given by the person proposing to carry out the works (the developer) in pursuance of arrangements made by the Department in relation to development by or on behalf of the Crown;
- (c) the developer is the Crown or a person acting on behalf of the Crown.

#### *Acceptable works*

8.—(1) This paragraph applies if before the relevant date in pursuance of the arrangements the Department has given notice to the developer that it finds the proposed works acceptable.

(2) The notice shall be treated as if it is listed building consent granted under paragraph (2) or, as the case may be, (3) of Article 44 of the principal Order.

(3) If the notice is subject to conditions the conditions have effect as if they are conditions attached to the consent.

9.—(1) This paragraph applies if before the relevant date the Department has in pursuance of the arrangements kept a register of proposed works notices.

(2) The register shall be treated as if it is part of the register kept by the Department in pursuance of Article 124 of the principal Order.

#### *Pending proposals*

10.—(1) This paragraph applies if before the relevant date—

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- (a) proposed works notice has been given, but
  - (b) the Department has not given notice to the developer as mentioned in paragraph 8.
- (2) The principal Order applies as if the proposal is an application for listed building consent duly made under that Order.

**11.** This Part shall have effect in relation to the demolition of buildings to which Article 51 of the principal Order applies as if the demolition of such buildings were works to which this Part applies.

## PART 3

### HAZARDOUS SUBSTANCES

**12.—**(1) This paragraph applies if at any time during the establishment period a hazardous substance was present on, over or under Crown land.

(2) The appropriate authority shall make a claim in the prescribed form before the end of the transitional period.

(3) The claim shall contain the prescribed information as to—

- (a) the presence of the substance during the establishment period;
- (b) how and where the substance was kept and used.

(4) Unless sub-paragraph (5) or (7) applies, the Department is deemed to have granted the hazardous substances consent claimed in pursuance of sub-paragraph (2).

(5) This sub-paragraph applies if the Department thinks that a claim does not comply with sub-paragraph (3).

(6) If sub-paragraph (5) applies, the Department shall, before the end of the period of two weeks from its receipt of the claim—

- (a) notify the claimant that in the Department's opinion the claim is invalid;
- (b) give the claimant the Department's reasons for that opinion.

(7) This sub-paragraph applies if at no time during the establishment period was the aggregate quantity of the substance equal to or greater than the controlled quantity.

(8) Hazardous substances consent which is deemed to be granted under this paragraph is subject—

- (a) to the condition that the maximum aggregate quantity of the substance that may be present for the purposes of this sub-paragraph at any one time shall not exceed the established quantity;
- (b) to such other conditions (if any) as are prescribed for the purposes of this paragraph and are applicable in the case of the consent.

(9) A substance is present for the purposes of sub-paragraph (8)(a) if—

- (a) it is on, over or under land to which the claim for consent relates,
- (b) it is on, over or under other land which is within 500 metres of it and is controlled by the Crown, or
- (c) it is in or on a structure controlled by the Crown any part of which is within 500 metres of it,

and in calculating whether the established quantity is exceeded a quantity of a substance which falls within more than one of heads (a) to (c) shall be counted only once.

(10) The establishment period is the period of 12 months ending on the day before the date of the coming into operation of Article 21(1) of the Planning Reform (Northern Ireland) Order 2006.

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(11) The transitional period is the period of 6 months starting on the day before the date of the coming into operation of that Article.

(12) The established quantity in relation to any land is the maximum quantity which was present on, over or under the land at any one time within the establishment period.

(13) In this paragraph, “appropriate authority” has the same meaning as in Part XII of the principal Order.

F<sup>3</sup>SCHEDULE 3

Article 27(2)

PROVISIONS TO BE INSERTED AS SCHEDULES  
1A AND 1B TO THE PRINCIPAL ORDER

**Textual Amendments**

**F3** Sch. 3 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

“SCHEDULE 1A

SCHEDULE 1B

F<sup>4</sup>SCHEDULE 4

Article 28(1)

**Textual Amendments**

**F4** Sch. 4 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

SCHEDULE 5

Article 28(2)

REPEALS

**Commencement Information**

**II** Sch. 5 partly in force; Sch. 5 in force for certain purposes at 10.6.2006 see art. 1(3)(c)(4)

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<b>Short Title</b>	<b>Extent of repeal</b>
The Mineral Development Act (Northern Ireland) 1969 (NI 35).	Section 60.
The Planning (Northern Ireland) Order 1991 (NI 11).	Article 26. In Article 32, in paragraph (3), the words “or such longer period as the commission may allow”. Articles 113 to 117. In Article 118, paragraph (3). In Schedule 4, paragraph 4.
The Further Education (Northern Ireland) Order 1997 (NI 15).	In Schedule 4, the amendment of the Planning (Northern Ireland) Order 1991 (NI 11).
The Planning (Amendment) (Northern Ireland) Order 2003 (NI 8).	In Article 11, in paragraph (1), subparagraph (b). In Article 26, paragraph (5). Article 30. In Schedule 1, in paragraph 6, subparagraph (a)(iii). In Schedule 1, paragraphs 17 and 18.

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