

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: The first review date. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 3

PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS

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))

The first review date

3.—(1) Subject to sub-paragraph (5), in the case of a mining site which is a Phase I or II site within the meaning of Schedule 2, the first review date means the date falling 15 years after the date upon which, pursuant to an application made under paragraph 9 of that Schedule, there is determined under that paragraph the conditions to which the relevant planning permissions (within the meaning of that Schedule) relating to the site are to be subject.

(2) Subject to sub-paragraphs (3) and (6), in the case of a mining site which is not a Phase I or II site within the meaning of Schedule 2, the first review date is the date falling 15 years after the date upon which was granted the most recent mineral permission which relates to the site.

(3) Where, in the case of a mining site falling within sub-paragraph (2), the most recent mineral permission relating to that site relates, or the most recent such permissions (whether or not granted on the same date) between them relate, to part only of the site, and in the opinion of the council it is expedient, for the purpose of ascertaining, under that sub-paragraph, the first review date in respect of that site, to treat that permission or those permissions as having been granted at the same time as the last of the other mineral permissions relating to the site, the first review date for that site shall be ascertained under that sub-paragraph accordingly.

(4) A council must, in deciding whether it is of such an opinion as is mentioned in sub-paragraph (3), have regard to any guidance issued by the Department for the purpose.

(5) Subject to sub-paragraph (6), in the case of a mining site—

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- (a) to which relates a mineral permission in respect of which an order has been made under section 68, or
- (b) in respect of which, or any part of which, an order has been made under section 73,

the first review date shall be the date falling 15 years after the date upon which the order took effect or, in a case where there is more than one such order, upon which the last of those orders to take effect took effect.

(6) In the case of a mining site for which the preceding provisions of this paragraph have effect to specify two or more different dates as the first review date, the first review date shall be the latest of those dates.

4.—(1) The Department may by order subject to negative resolution specify a first review date different from the first review date found in pursuance of paragraph 3(1).

(2) Sub-paragraph (3) applies if no first review date is found in pursuance of paragraph 3(1).

(3) The Department may by order subject to negative resolution specify a first review date.

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