

SCHEDULE 4

Article 16

APPLICATION OF PERMITTED DEVELOPMENT RIGHTS

PART 1

Permitted development

1.—(1) In their application to the works, article 3 of, and Part 11 of Schedule 2 to, the 1995 Order(1) (which permit development authorised by a harbour revision order designating specifically both the nature of the development authorised and the land on which it may be carried out) shall have effect as if the planning permission granted by that Order were subject to the restrictions contained in Schedule 2 (restrictions on works).

(2) In their application to other development carried out on land which falls to be treated as operational land of a dock or harbour undertaker by virtue of this Order, article 3 of, and Part 17 of Schedule 2 to, the 1995 Order(2) shall have effect as if the planning permission granted by that Order were subject to the restrictions contained in Schedule 2.

(3) Except to the extent specified the restrictions contained in Schedule 2 do not apply to temporary construction activity.

(4) Nothing in paragraphs (1) and (2) shall affect the carrying out of any development which consists of any maintenance of the works, which (to the extent it would not otherwise be) shall be permitted development as if it were included in article 3 of, and Parts 11 and 17 of Schedule 2 to, the 1995 Order.

PART 2

Habitats Regulations

2. Subject to paragraph 3 regulation 73 of the Conservation of Habitats and Species Regulations 2010(3) (the “Habitats Regulations”) shall not apply to any planning permission which relates to the works authorised by this Order and which is granted by article 3(1) of the 1995 Order for the class of development described as permitted development in Part 11 of Schedule 2 to that Order.

3. Paragraph 2 does not apply if and to the extent that the works—

- (a) do not form part of the plan or project which was subject to an appropriate assessment in accordance with regulation 61 of the Habitats Regulations in connection with the making of this Order; and
- (b) are not subject to further consent, permission or authorisation by a competent authority as defined in the Habitats Regulations.

(1) Article 3 is amended by the Utilities Act 2000 (c. 27), section 76; S.I. 1999/293, regulations 34 and 35 and Schedule 5; S.I. 1999/1783, regulation 15; S.I. 2003/956, article 13 and Schedule 6, paragraph 3; and S.I. 2006/1282, article 16. Part 11 of Schedule 2 is amended by S.I. 1996/528, article 2.

(2) There are amendments to Part 17 of Schedule 2 but none is relevant.

(3) S.I. 2010/490.