STATUTORY RULES OF NORTHERN IRELAND

2006 No. 218

PLANNING

Planning (Application of Subordinate Legislation to the Crown) Order (Northern Ireland) 2006

Made - - - -	*15th May 2006*
Coming into operation	*10th June 2006*

The Department of the Environment makes the following Order in exercise of the powers conferred by Article 24 of the Planning Reform (Northern Ireland) Order 2006(**1**).

Citation and commencement

1. This Order may be cited as the Planning (Application of Subordinate Legislation to the Crown) Order (Northern Ireland) 2006 and shall come into operation on 10th June 2006.

Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 1988

2.—(1) The Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 1988(**2**) apply to the Crown with the following modifications.

(2) In regulation 3 (applications) after paragraph (3) insert—

"(4) Where a request has been made to the Secretary of State for a certificate in respect of Article 123B(1) of the 1991 Order(**3**), the period specified in paragraph (2) of this regulation shall begin on the date he notifies his decision on that request to the Department.".

Planning (Listed Buildings) Regulations (Northern Ireland) 1992

3.—(1) The Planning (Listed Buildings) Regulations (Northern Ireland) 1992(**4**) apply to the Crown with the following modifications.

(2) In regulation 4 (notification of decision) after paragraph (2) insert—

"(3) Where a request has been made to the Secretary of State for a certificate in respect of Article 123B(1) of the 1991 Order, the period specified in paragraph (1) of this regulation shall begin on the date he notifies his decision on that request to the Department.".

(**1**) S.I. 2006/1252 (N.I.7)
(**2**) S.R. 1988 No.5
(**3**) The Planning (Northern Ireland) Order 1991 No.1220 (N.I. 11) Article 123B was inserted by S.I. 2006/ 1252 (N.I.7)
(**4**) S.R. 1992 No.263

Planning (Control of Advertisements) Regulations (Northern Ireland) 1992

4.—(1) The Planning (Control of Advertisements) Regulations (Northern Ireland) 1992(**5**) apply to the Crown with the following modifications.

(2) In regulation 2(1) (interpretation) after the definition of "express consent" insert—

""government department" has the meaning assigned to it by Article 118 of the Planning (Northern Ireland) Order 1991;".

(3) In regulation 10 (notification of decision) after paragraph (2) insert—

"(3) Where a request has been made to the Secretary of State for a certificate in respect of Article 123B(1) of the 1991 Order, the period specified in paragraph (1) of this regulation shall begin on the date he notifies his decision on that request to the Department.".

(4) In Class 1 of Part 1 of Schedule 3 (classes of advertisements which may be displayed with deemed consent)—

(a) between the words "of" and "district councils" insert "government departments,";

(b) before "a district council" insert "a government department or".

The Planning (Hazardous Substances) Regulations (Northern Ireland) 1993

5.—(1) The Planning (Hazardous Substances) Regulations (Northern Ireland) 1993(**6**) apply to the Crown with the following modifications.

(2) In regulation 2 (interpretation) after the definition of "the 1991 Order" insert—

""the 2006 Order" means the Planning Reform (Northern Ireland) Order 2006;".

(3) In regulation 4 (exemptions), after paragraph (1) insert—

"(1A) Hazardous substances consent is not required for the presence of a hazardous substance in, on, over or under land at military establishments, installations or storage facilities.".

(4) In regulation 12 (notification of decision) after paragraph (2) insert—

"(3) Where a request has been made to the Secretary of State for a certificate in respect of Article 123B (1) of the 1991 Order, the period specified in paragraph (1) of this regulation shall begin on the date he notifies his decision on that request to the Department.".

(5) In regulation 14 (claim for deemed consent) in paragraph (1) after the words "paragraph 4 of Schedule 4 to the 1991 Order" insert "or Part 3 of Schedule 2 to the 2006 Order".

(6) In regulation 15 (conditions on deemed consent) after the words "paragraph 4(9) of Schedule 4 to the 1991 Order" insert "or paragraph 12(8)(b) of Schedule 2 to the 2006 Order".

(7) In Schedule 1 (prescribed forms) in form 5—

(a) after the heading "Planning (Northern Ireland) Order 1991 Schedule 4, Paragraph 4(4)" insert the heading—

"**The Planning Reform (Northern Ireland) Order 2006 Schedule 2, Part 3";**

(b) in the notes to Part 2, at the end of note (c) insert "or, in the case of applications for deemed consent under Part 3 of Schedule 2 to the 2006 Order, 10th June 2006";

(c) in the note to Part 5, at the end of note (a) insert "or prescribed under paragraph 12(8) of Schedule 2 to the 2006 Order as the case may be.".

(**5**) S.R. 1992 No.448 as amended by S.R. 1998 No.147
(**6**) S.R. 1993 No.275 as amended by S.R. 2000 No.101 and S.R. 2005 No.320

Planning (General Development) Order (Northern Ireland) 1993

6.—(1) The Planning (General Development) Order (Northern Ireland) 1993(**7**) applies to the Crown with the following modifications.

(2) In Article 2(1) (interpretation)—

(a) after the definition of "conservation area" insert—

""Crown land" has the meaning assigned to it by Article 118 of the 1991 Order;";

(b) after the definition of "notifiable quantity" insert—

""operational Crown building" means a building which is operational Crown land;

"operational Crown land" means—

(a) Crown land which is used for operational purposes; and

(b) Crown land which is held for those purposes, but does not include—

(i) land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or held for operational purposes;

(ii) Crown land—

(aa) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate;

(bb) in which there is an estate belonging to Her Majesty in right of Her private estates;

"operational purposes" means the purposes of carrying out the functions of the Crown;";

(c) in the definition of "operational land" for " Part 13, 14 and 15 of Schedule 1" substitute " Part 13, 14, 15, 23, 25 and 29 of Schedule 1";

(d) for the definition of "original" substitute—

""original" means—

(a) in relation to a building, other than a building which is Crown land, existing on 1st October 1973, as existing on that date; and in relation to a building built on or after 1st October 1973, as so built;

(b) in relation to a building which is Crown land on 10th June 2006, as existing on that date; and, in relation to a building built on or after 10th June 2006 which is Crown land on the date of its completion, as so built;".

(3) In Article 3 (permitted development)—

(a) in paragraph (5) for "Parts 9 and 11," substitute "Parts 9, 11 and 22";

(b) in paragraph (8) before "Schedule 1" insert "Subject to paragraph (9),";

(c) after paragraph (8) insert—

"(9) Paragraph (8) does not apply to development for which permission is granted by Class B of Part 22, Class A of Part 24 or Class A of Part 25."

(4) In Article 4(2) (directions restricting permitted development)—

(a) after sub-paragraph (a) insert—

"(aa) development permitted by Class B of Part 22;

(**7**) S.R. 1993 No.278 as amended by S.R. 1995 No.424, S.R. 1998 No.222, S.R. 1999 No.73, S.R.2000 No.101, S.R. 2003 No.98, S.R. 2003 No.445, S.R. 2004 No.459 and S.R. 2005 No. 427

(ab) development permitted by Part 31 and Part 32;";

(b) in sub-paragraph (b) after the word "emergency" insert "other than development permitted by Part 31."

(5) In Article 11(time periods for decisions) after paragraph (3) insert—

"(4) Where a request has been made to the Secretary of State for a certificate in respect of Article 123B (1) of the 1991 Order, the period specified in paragraph (2) of this Article shall begin on the date he notifies his decision on that request to the Department.".

(6) For Article 18 (register of applications) substitute—

"**Register of applications**

18.—(1) Subject to paragraph (2), the registers relating to matters referred to in Article 124(1)(a) to (c) of the 1991 Order shall contain the following information—

(a) a copy (which may be photographic) of each application together with copies of plans and drawings submitted in relation thereto;

(b) the decision notice, if any, in respect of the application, including details of any conditions subject to which permission or consent was granted;

(c) the reference number, the date and effect of any decision of the planning appeals commission in respect of the application;

(d) brief details of any revocation or modification relating to any permission or consent, including date of issue.

(2) Information as to—

(a) national security or the measures taken or to be taken to ensure the security of any premises or property; and

(b) which relates to the consideration by the Department of an application to which Article 123B of the 1991 Order applies,

shall not be included in the registers specified in paragraph (1).".

(7) In Schedule 1 (permitted development) after Part 21 (closed circuit television cameras) insert Parts 22 to 32 as set out in the Schedule to this Order.

Planning (Fees) Regulations (Northern Ireland) 1995

7. The Planning (Fees) Regulations (Northern Ireland) 1995(**8**) apply to the Crown.

The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995

8. Part IV of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995(**9**) (adaptation of planning and other controls) applies to the Crown.

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999

9. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999(**10**) apply to the Crown.

(**8**) S.R. 1995 No.78 as amended by S.R. 2000 No.35 and S.R. 2005 No. 222.
(**9**) S.R. 1995 No.380
(**10**) S.R. 1999 No.73

The Planning (Trees) Regulations (Northern Ireland) 2003

10.—(1) The Planning (Trees) Regulations (Northern Ireland) 2003(**11**) apply to the Crown with the following modifications.

(2) In the Second Schedule of the Schedule (form of tree preservation order) omit paragraph 11 (orders made under Article 115 (tree preservation orders in anticipation of disposal of Crown land)).

(3) In the Third Schedule of the Schedule (form of tree preservation order)—

(a) in paragraph 2(b)—

(i) after the words "Planning (Northern Ireland) Order 1991," insert, "or by a person authorised under the Water and Sewerage Services (Northern Ireland) Order 1973(**12**) to provide water and sewerage services,";

(ii) after the words "of the statutory undertaker" insert "or the person authorised under the Water and Sewerage Services (Northern Ireland) Order 1973";

(b) in paragraph 2(b)(ii) after the words "the statutory undertaker" insert "or the person authorised under the Water and Sewerage Services (Northern Ireland) Order 1973";

(c) in paragraph 2(b)(iii) after the words "the statutory undertaker" insert "or the person authorised under the Water and Sewerage Services (Northern Ireland) Order 1973";

(d) in paragraph 2(c) after "1991;" omit "or";

(e) in paragraph 2(d) after the word "trade" omit "." and insert ";";

(f) after paragraph 2(d) insert—

"(e) where required to enable the implementation of an order made under Articles 4(1), 5(1), 6, 14(1), 15(1), 18(1), and 68(1) of the Roads (Northern Ireland) Order 1993(**13**); or

(f) where that work is urgently necessary for national security purposes."

The Landfill Regulations (Northern Ireland) 2003

11. The Landfill Regulations (Northern Ireland) 2003(**14**) apply to the Crown insofar as they relate to planning permission for landfill.

Planning (Use Classes) Order (Northern Ireland) 2004

12.—(1) The Planning (Use Classes) Order (Northern Ireland) 2004(**15**) applies to the Crown with the following modifications.

(2) In Part C of the Schedule, after class C3 (residential institutions) insert—

"**Class C4: Secure residential institutions**

Use for the provision of secure residential accommodation, including use as a prison, young offenders centre, detention centre, juvenile justice centre, short term holding centre, secure hospital, or use as a military barracks.".

(3) In Part D of the Schedule, in class D1 (community and cultural uses) after sub-paragraph (h) insert—

"(i) as a law court.".

(**11**) S.R. 2003 No.444
(**12**) S.I. 1973/70 (N.I. 2)
(**13**) S.I. 1993/3160 (N.I. 15) as amended by S.I.1997/276 (N.I. 2)
(**14**) S.R. 2003 No.496
(**15**) S.R.2004 No. 458