

Status: This version of this part contains provisions that are prospective.

Changes to legislation: The Electricity (Northern Ireland) Order 1992, Deemed planning permission, etc. is up to date with all changes known to be in force on or before 10 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 8

CONSENTS UNDER ARTICLES 39 AND 40

PROSPECTIVE

[^{F1}Deemed planning permission, etc.

F1 Sch. 8 para. 3 added (prosp.) by Electricity Consents (Planning) (Northern Ireland) Order 2006 (S.I. 2006/2955 (N.I. 19), arts. 1(2), 2(4))

3.—(1) On granting a consent under Article 39 or 40 in respect of any operation or change of use that constitutes development, the Department may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

(2) The provisions of the [^{F2}Planning Act (Northern Ireland) 2011 (except section 58] (appeals)) shall apply in relation to any planning permission deemed to be granted by virtue of a direction under this paragraph as if it had been granted by [^{F3}a council on an application under that Act].

(3) On granting a consent under Article 39 in respect of any operation or change of use that would involve the presence of a hazardous substance in circumstances requiring hazardous substances consent, the Department may direct that hazardous substances consent shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

(4) Before giving a direction under sub-paragraph (3) the Department shall consult—

- (a) the Department of the Environment; and
- (b) the Health and Safety Executive for Northern Ireland.

(5) The provisions of the [^{F4}Planning Act (Northern Ireland) 2011 (except section 115] (appeals)) shall apply in relation to any hazardous substances consent deemed to be granted by virtue of a direction under this paragraph as if it had been granted by [^{F5}a council on an application under that Act].

(6) [^{F6}Section 242 of the Planning Act (Northern Ireland) 2011] shall have effect as if planning permissions and hazardous substances consents deemed to be granted by virtue of a direction under this paragraph were included in the list of matters in paragraph (1) of [^{F7}that Act].

(7) In this paragraph —

- (a) “ancillary development”, in relation to development consisting of the extension of a generating station, does not include any development which is not directly related to the generation of electricity by that station;
- (b) expressions which are also used in the Planning (Northern Ireland) Order 1991 have the same meanings as in that Order.]

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- F2** Words in Sch. 8 para. 3(2) substituted (13.2.2015 for certain purposes otherwise 1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), ss. 252, 254\(1\), Sch. 6 para. 63\(b\)\(i\) \(with s. 211\); S.R. 2015/49, arts 2, 3, Sch. 1](#) (with transitional provisions in Sch. 2) (but this amendment cannot take effect until the commencement of S.I. 1992/231 (N.I. 1), Sch. 8 para. 3)
- F3** Words in Sch. 8 para. 3(2) substituted (13.2.2015 for certain purposes otherwise 1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), ss. 252, 254\(1\), Sch. 6 para. 63\(b\)\(ii\) \(with s. 211\); S.R. 2015/49, arts 2, 3, Sch. 1](#) (with transitional provisions in Sch. 2) (but this amendment cannot take effect until the commencement of S.I. 1992/231 (N.I. 1), Sch. 8 para. 3)
- F4** Words in Sch. 8 para. 3(5) substituted (13.2.2015 for certain purposes otherwise 1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), ss. 252, 254\(1\), Sch. 6 para. 63\(c\)\(i\) \(with s. 211\); S.R. 2015/49, arts 2, 3, Sch. 1](#) (with transitional provisions in Sch. 2) (but this amendment cannot take effect until the commencement of S.I. 1992/231 (N.I. 1), Sch. 8 para. 3)
- F5** Words in Sch. 8 para. 3(5) substituted (13.2.2015 for certain purposes otherwise 1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), ss. 252, 254\(1\), Sch. 6 para. 63\(c\)\(ii\) \(with s. 211\); S.R. 2015/49, arts 2, 3, Sch. 1](#) (with transitional provisions in Sch. 2) (but this amendment cannot take effect until the commencement of S.I. 1992/231 (N.I. 1), Sch. 8 para. 3)
- F6** Words in Sch. 8 para. 3(6) substituted (13.2.2015 for certain purposes otherwise 1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), ss. 252, 254\(1\), Sch. 6 para. 63\(d\)\(i\) \(with s. 211\); S.R. 2015/49, arts 2, 3, Sch. 1](#) (with transitional provisions in Sch. 2) (but this amendment cannot take effect until the commencement of S.I. 1992/231 (N.I. 1), Sch. 8 para. 3)
- F7** Words in Sch. 8 para. 3(6) substituted (13.2.2015 for certain purposes otherwise 1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), ss. 252, 254\(1\), Sch. 6 para. 63\(d\)\(ii\) \(with s. 211\); S.R. 2015/49, arts 2, 3, Sch. 1](#) (with transitional provisions in Sch. 2) (but this amendment cannot take effect until the commencement of S.I. 1992/231 (N.I. 1), Sch. 8 para. 3)

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Changes and effects yet to be applied to :

- Instrument am. (ot.prosp.) by [1998 c. 41 s.66\(5\)Sch.10 Pt.III para.7](#)
- Instrument am. (prosp.) by [1998 c. 41 s.66\(5\)Sch.10 Pt.V para.17](#)
- Instrument rev. in pt. (prosp.) by [1998 c. 41 ss.66\(5\),74\(3\), Sch.10, Pt.V, para.17, Sch.14, Pt.II](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 10E(7) inserted by [S.I. 2019/530 reg. 89\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 10F(9)(10) inserted by [S.I. 2019/530 reg. 90\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 10K(8A) inserted by [S.I. 2019/530 reg. 94\(7\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 11B(6)(7) inserted by [S.I. 2019/530 reg. 99\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 18(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 5(2)(b) (as substituted) by [S.I. 2019/1245 reg. 22](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- art. 31A(1A) inserted by [S.I. 2019/530 reg. 100\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 84-103 omitted (15.9.2020) by virtue of S.I. 2020/1016, regs. 1(2), 3(30))
- art. 46(8) inserted by [2024 c. 13 Sch. 29 para. 6](#)
- art. 65(1A) inserted by [S.I. 2006/2955 \(N.I.\) art. 3\(2\)](#)
- art. 65(3)-(5) added by [S.I. 2006/2955 \(N.I.\) art. 3\(3\)](#)