

*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, Paragraph 10. (See end of Document for details)*

## SCHEDULES

PROSPECTIVE

### SCHEDULE 2 **N.I.**

#### REVIEW OF OLD MINERAL PLANNING PERMISSION

##### **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))

*Notice of determination of conditions to be accompanied by additional information in certain cases*

**10.—(1)** This paragraph applies in a case where—

- (a) on an application made to the council under paragraph 9 in respect of an active Phase I or II site the council determines under that paragraph the conditions to which the relevant planning permissions relating to the site are to be subject;
- (b) those conditions differ in any respect from the proposed conditions set out in the application; and
- (c) the effect of the conditions, other than any restoration or aftercare conditions, so determined by the council, as compared with the effect of the conditions, other than any restoration or aftercare conditions, to which the relevant planning permissions in question were subject immediately prior to the council making the determination, is to restrict working rights in respect of the site.

(2) In a case where this paragraph applies, the council must, upon giving to the applicant notice of the conditions determined by the council under paragraph 9, also give to the applicant notice—

- (a) stating that the conditions determined by the council differ in some respect from the proposed conditions set out in the application;
- (b) stating that the effect of the conditions, other than any restoration or aftercare conditions, determined by the council, as compared with the effect of the conditions, other than any restoration or aftercare

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conditions, to which the relevant planning permissions relating to the site in question were subject immediately prior to the making of the council's determination, is to restrict working rights in respect of the site;

- (c) identifying the working rights so restricted; and
- (d) stating whether, in the opinion of the council, the effect of that restriction of working rights would be such as to prejudice adversely to an unreasonable degree—
  - (i) the economic viability of operating the site; or
  - (ii) the asset value of the site.

(3) In this paragraph, “the applicant” means the person who made the application in question under paragraph 9.

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