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STATUTORY RULES OF NORTHERN IRELAND

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**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<sup>(1)</sup>.

**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.

**Commencement Information**

**I1** Art. 1 in operation at 10.6.2006, see [art. 1](#)

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

2.—(1) The Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 1988<sup>(2)</sup> 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<sup>(3)</sup>, the period specified in paragraph (2) of this regulation shall begin on the date he notifies his decision on that request to the Department.”.

**Commencement Information**

**I2** Art. 2 in operation at 10.6.2006, see [art. 1](#)

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<sup>(1)</sup> S.I. 2006/1252 (N.I.7)

<sup>(2)</sup> S.R. 1988 No.5

<sup>(3)</sup> The Planning (Northern Ireland) Order 1991 No.1220 (N.I. 11) Article 123B was inserted by S.I. 2006/ 1252 (N.I.7)

*Status: Point in time view as at 10/06/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Planning (Application of Subordinate Legislation to the Crown) Order (Northern Ireland) 2006. (See end of Document for details)*

### **Planning (Listed Buildings) Regulations (Northern Ireland) 1992**

3.—(1) The Planning (Listed Buildings) Regulations (Northern Ireland) 1992<sup>(4)</sup> 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.”.

#### **Commencement Information**

**I3** Art. 3 in operation at 10.6.2006, see [art. 1](#)

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

4.—(1) The Planning (Control of Advertisements) Regulations (Northern Ireland) 1992<sup>(5)</sup> 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”.

#### **Commencement Information**

**I4** Art. 4 in operation at 10.6.2006, see [art. 1](#)

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

5.—(1) The Planning (Hazardous Substances) Regulations (Northern Ireland) 1993<sup>(6)</sup> 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—

<sup>(4)</sup> [S.R. 1992 No.263](#)

<sup>(5)</sup> [S.R. 1992 No.448](#) as amended by [S.R. 1998 No.147](#)

<sup>(6)</sup> [S.R. 1993 No.275](#) as amended by [S.R. 2000 No.101](#) and [S.R. 2005 No.320](#)

“(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.”.

**Commencement Information**

**I5** Art. 5 in operation at 10.6.2006, see [art. 1](#)

**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;

(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

*Status: Point in time view as at 10/06/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Planning (Application of Subordinate Legislation to the Crown) Order (Northern Ireland) 2006. (See end of Document for details)*

- “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;
- (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.

**Commencement Information**

**I6** Art. 6 in operation at 10.6.2006, see [art. 1](#)

**Planning (Fees) Regulations (Northern Ireland) 1995**

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

**Commencement Information**

**I7** Art. 7 in operation at 10.6.2006, see [art. 1](#)

**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.

**Commencement Information**

**I8** Art. 8 in operation at 10.6.2006, see [art. 1](#)

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

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

**Commencement Information**

**I9** Art. 9 in operation at 10.6.2006, see [art. 1](#)

**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)—

(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

(11) S.R. 2003 No.444

*Status: Point in time view as at 10/06/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Planning (Application of Subordinate Legislation to the Crown) Order (Northern Ireland) 2006. (See end of Document for details)*

- (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<sup>(12)</sup> 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<sup>(13)</sup>; or
  - (f) where that work is urgently necessary for national security purposes.”

#### Commencement Information

**I10** Art. 10 in operation at 10.6.2006, see [art. 1](#)

### The Landfill Regulations (Northern Ireland) 2003

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

#### Commencement Information

**I11** Art. 11 in operation at 10.6.2006, see [art. 1](#)

### Planning (Use Classes) Order (Northern Ireland) 2004

**12.—**(1) The Planning (Use Classes) Order (Northern Ireland) 2004<sup>(15)</sup> 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—

<sup>(12)</sup> S.I. 1973/70 (N.I. 2)

<sup>(13)</sup> S.I. 1993/3160 (N.I. 15) as amended by S.I.1997/276 (N.I. 2)

<sup>(14)</sup> S.R. 2003 No.496

<sup>(15)</sup> S.R.2004 No. 458

“(i) as a law court.”.

**Commencement Information**

**I12** Art. 12 in operation at 10.6.2006, see [art. 1](#)

**The Planning (Fees) Regulations (Northern Ireland) 2005**

**13.** The Planning (Fees) Regulations (Northern Ireland) 2005(16) apply to the Crown.

**Commencement Information**

**I13** Art. 13 in operation at 10.6.2006, see [art. 1](#)

**The Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2005**

**14.** The Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2005(17) apply to the Crown.

**Commencement Information**

**I14** Art. 14 in operation at 10.6.2006, see [art. 1](#)

Sealed with the Official Seal of the Department of the Environment on 15th May 2006.

L.S.

*Marianne Fleming*  
A senior officer of the  
Department of the Environment

(16) S.R. 2005 No.222 as amended by S.R. 2005 No. 505.

(17) S.R. 2005 No.353

**Status:** Point in time view as at 10/06/2006.**Changes to legislation:** There are currently no known outstanding effects for the Planning (Application of Subordinate Legislation to the Crown) Order (Northern Ireland) 2006. (See end of Document for details)

## SCHEDULE

Article 6

**Commencement Information****I15** Sch. in operation at 10.6.2006, see [art. 1](#)

## “PART 22

DEVELOPMENT BY THE DEPARTMENT FOR  
REGIONAL DEVELOPMENT—ROADS UNDERTAKINGS**Class A**

<b>Permitted development</b>	<b>A.</b>	<b>The carrying out by or on behalf of the Department for Regional Development—</b> (a) <b>on land within the boundaries of a road, of any works required for the maintenance or improvement of the road; or</b> (b) <b>on land outside but adjoining the boundary of an existing road, of works required for or incidental to the maintenance or improvement of the road.</b>
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Interpretation of Class A	A.1	For the purposes of Class A— “improvement” means the improvement and safety of roads under Part IV of the Roads (Northern Ireland) Order 1993(18); “maintenance” means the maintenance of roads under Articles 8 to 12 of that Order.
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**Class B**

<b>Permitted development</b>	<b>B.</b>	<b>The carrying out by or on behalf of the Department for Regional Development of works in exercise of its functions under Articles 4(1),</b>
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(18) S.I.1993/3160 (N.I. 15) as amended by S.I. 1997/276 (N.I. 2) and 2003 c. 21



		<b>5(1), 6, 14(1), 15(1), 18(1) and 68(1) of the Roads (Northern Ireland) Order 1993, or works in connection with, or incidental to, the exercise of those functions.</b>
<b>Class C</b>		
<b>Permitted development</b>	<b>C.</b>	<b>The installation, alteration or replacement (other than on a building) by or on behalf of the Department for Regional Development of a closed circuit television camera, including its supporting structure, for the purposes of traffic management or road safety.</b>
<i>Development not permitted</i>	<b>C.1</b>	Development is not permitted by Class C if— (a) it is to be carried out in a conservation area or on a site of archaeological interest unless it involves the installation, alteration or replacement of a camera on an existing structure; (b) the dimensions of the camera including its housing exceed 75 centimetres by 25 centimetres by 25 centimetres; (c) any part of the camera would, when installed, altered or replaced, be less than 250 centimetres above ground level; or (d) the development would result in the presence of more than four cameras on the structure.
Interpretation of Class C	<b>C.2</b>	For the purposes of Class C— “camera”, except in paragraph C.1(b), includes its housing, pan and tilt mechanism, infra red illuminator, receiver, mountings and brackets; “ground level” means the level of the

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**Changes to legislation:** There are currently no known outstanding effects for the Planning (Application of Subordinate Legislation to the Crown) Order (Northern Ireland) 2006. (See end of Document for details)

surface of the ground immediately adjacent to the supporting structure or, where the level of the surface of the ground is not uniform, the level of the highest part of the surface of the ground adjacent to it; “structure” and “supporting structure” means any pole, mast or tower including a street lighting column.

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## PART 23

### DEVELOPMENT BY THE DEPARTMENT FOR REGIONAL DEVELOPMENT—WATER AND SEWERAGE UNDERTAKINGS

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#### Class A

Permitted development

A.

**Development by or on behalf of the Department for Regional Development consisting of—**

- (a) **development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus;**
- (b) **development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge;**
- (c) **development in, on or under any watercourse and required in connection with the improvement or**

- (d) maintenance of that watercourse;**
- (d) the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;**
- (e) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;**
- (f) the installation in a water distribution system of a booster station, valve house, meter or switch-gear house;**
- (g) any works authorised by or required in connection with a notice issued under Article 13 or an order made under Article 36 of the Water and Sewerage Services (Northern Ireland) Order 1973(19);**
- (h) any other development in, on, over or under operational land, other than the provision of a building but including the extension or alteration of a building; or**
- (i) the strapping of pipelines to bridges.**

*Development not permitted*      A.1

Development is not permitted by Class A if—

- (a) in the case of any Class A(b) development, it would include the construction of a reservoir;
- (b) in the case of any Class A(f) development involving the installation

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**Changes to legislation:** There are currently no known outstanding effects for the Planning (Application of Subordinate Legislation to the Crown) Order (Northern Ireland) 2006. (See end of Document for details)

of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;

- (c) in the case of any Class A(h) development, it would consist of or include the extension or alteration of a building so that—
  - (i) its design or external appearance would be materially affected;
  - (ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%; or
  - (iii) the floor space of the original building would be exceeded by more than 1000 square metres;
- (d) in the case of any Class A(h) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater; or
- (e) the land is within a site of archaeological interest.

Condition

A.2

Development is permitted by Class A(d) subject to the condition that, on completion of the survey or investigation, or at the expiration of six months from the commencement of the development, whichever is the sooner, all such operations

Interpretation of Part 23	A.3	<p>shall cease and all such buildings, plant, machinery and apparatus shall be removed and the land restored as soon as reasonably practicable to its former condition or to any other condition which may be agreed between the Department and the developer.</p> <p>For the purposes of Part 23— “associated apparatus”, in relation to any sewer, main or pipe, means pumps, machinery or apparatus associated with the relevant sewer, main or pipe; “sludge main” means a pipe or system of pipes (together with any pumps or other machinery or apparatus associated with it) for the conveyance of the residue of water or sewage treated in a water or sewage treatment works as the case may be, including final effluent or the products of the dewatering or incineration of such residue, or partly for any of those purposes and partly for the conveyance of trade effluent or its residue.</p>
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## PART 24

### DEVELOPMENT BY THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

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#### **Class A**

<b>Permitted development</b>	<b>A.</b>	<b>Development by or on behalf of the Department of Agriculture and Rural Development consisting of drainage works.</b>
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**Status:** Point in time view as at 10/06/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Planning (Application of Subordinate Legislation to the Crown) Order (Northern Ireland) 2006. (See end of Document for details)

<i>Development not permitted</i>	A.1	<p>Development is not permitted by Class A if it would consist of or include—</p> <p>(a) the erection, construction, extension or alteration of a building and that building so constructed or altered would exceed 5 metres in height or 50 cubic metres in capacity; or</p> <p>(b) the installation, erection, improvement or other alteration of any plant or machinery and that plant or machinery so installed or altered would exceed 15 metres in height or the height of anything it replaces, whichever is the greater.</p>
Interpretation of Class A	A.3	<p>For the purposes of Class A— “drainage works” has the meaning assigned to it by Schedule 2 of the Drainage (Northern Ireland) Order 1973(20).</p>
<b>Class B</b>		
<b>Permitted development</b>	<b>B</b>	<p><b>Development requiring the preparation of an environmental statement for the purposes of the Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2006(21).</b></p>

## PART 25

### DEVELOPMENT BY THE DEPARTMENT OF CULTURE, ARTS AND LEISURE

<b>Class A</b>		
<b>Permitted development</b>	<b>A.</b>	<p><b>Development by or on behalf of the Department of Culture, Arts and Leisure consisting of—</b></p>

(20) S.I. 1973/69 (N.I. 1)

(21) S.R. 2006 No. 34

- (a) **development in, on or under any waterway or canal works and required in connection with the improvement, maintenance or repair of that waterway or those works;**
- (b) **the provision of a building, plant, machinery or apparatus in, on, under or over land for the purpose of survey or investigation;**
- (c) **the use of any land in respect of waterways or canal works for the spreading of any dredged material; or**
- (d) **any other development in, on, over or under operational land, other than the provision of a building but including the extension or alteration of a building.**

*Development not permitted*      A.1

Development is not permitted by Class A if—

- (a) in the case of Class A(d) development, it would consist of or include the extension or alteration of a building so that—
  - (i) its design or external appearance would be materially affected;
  - (ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%; or
  - (iii) the floor space of the original building would be exceeded by more than 1000 square metres; or

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		(b) in the case of any Class A(d) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.
Condition	A.2	Development is permitted by Class A(b) subject to the condition that, on completion of the survey or investigation, or at the expiration of six months from the commencement of the development concerned, whichever is the sooner, all such operations shall cease and all such buildings, plant, machinery and apparatus shall be removed and the land restored as soon as reasonably practicable to its former condition or to any other condition which may be agreed between the Department and the developer.
Interpretation of Class A	A.3	For the purposes of Class A— “canal works” has the meaning assigned to it by Schedule 4 (description of canal works, etc.) of the Water (Northern Ireland) Order 1999(22); “waterway” has the meaning assigned to it by Article 2 (interpretation) of that Order.
<b>Class B</b>		
<b>Permitted development</b>	<b>B.</b>	<b>Development requiring the preparation of an environmental statement for the purposes of the Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2006.</b>
<b>Class C</b>		

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(22) S.I. 1999/662 (N.I. 6)



<b>Permitted development</b>	<b>C.</b>	<b>Development by or on behalf of the Department of Culture, Arts and Leisure consisting of development in, on or under any inland waters for the purposes of its functions under the Fisheries (Northern Ireland) Act 1966(23) and required in connection with—</b> <b>(a) the improvement, maintenance or repair of that inland water; or</b> <b>(b) the development and improvement of facilities for angling.</b>
<i>Development not permitted</i>	C.1	Development is not permitted by Class C(a) if it consists of— <b>(a) the erection or construction of a pier, jetty or quay; or</b> <b>(b) the erection or construction of a building.</b>
Interpretation of Class C	C.2	For the purposes of Class C— “inland waters” has the meaning assigned to it by section 206 (interpretation) of the Fisheries (Northern Ireland) Act 1966.

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## PART 26

### DEVELOPMENT BY THE DEPARTMENT

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#### Class A

<b>Permitted development</b>	<b>A.</b>	<b>Development by or on behalf of the Department, consisting of—</b> <b>(a) the maintenance, repair or restoration of any historic monument;</b> <b>(b) the erection of screens, fences or covers designed or intended to protect or safeguard</b>
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**Status:** Point in time view as at 10/06/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Planning (Application of Subordinate Legislation to the Crown) Order (Northern Ireland) 2006. (See end of Document for details)

		<p><b>any historic monument;</b>  <b>or</b>                  (c) <b>the carrying out of works to stabilise ground conditions by any cliff, watercourse or the coastline, where such works are required for the purposes of securing the preservation of any historic monument.</b></p>
<i>Development not permitted</i>	A.1	Development is not permitted by Class A(a) if the works involve an extension of the historic monument.
Condition	A.2	Except for development also falling within Class A(a), Class A(b) development is permitted subject to the condition that any structure erected in accordance with that permission shall be removed at the expiry of a period of six months (or such longer period as the Department may agree in writing) from the date on which work to erect the structure was begun.
Interpretation of Class A	A.3	For the purposes of Class A— “historic monument” has the meaning assigned to it by Article 2(2) of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995(24); “monument” has the meaning assigned to it by Article 2(6) of that Order.
<b>Class B</b>		
<b>Permitted development</b>	<b>B.</b>	<b>The installation, alteration or replacement (other than on a building) by or on behalf of the Department of a closed circuit television camera, including its supporting</b>

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(24) S.I. 1995/1625 (N.I. 9)

<i>Development not permitted</i>	B.1	<p><b>structure, for security purposes.</b></p> <p>Development is not permitted by Class B if—</p> <ul style="list-style-type: none"><li>(a) it is to be carried out in a conservation area or a site of archaeological interest unless it involves the installation, alteration or replacement of a camera on an existing structure;</li><li>(b) the dimensions of the camera including its housing exceeds 75 centimetres by 25 centimetres by 25 centimetres;</li><li>(c) any part of the camera would, when installed, altered or replaced, be less than 250 centimetres above the ground;</li><li>(d) any part of the camera would, when installed, altered or replaced, exceed the height of any existing camera or a height of 15 metres above ground level, whichever is the greater; or</li><li>(e) the development would result in the presence of more than four cameras on the structure.</li></ul>
Interpretation of Class B	B.2	<p>For the purposes of Class B—</p> <p>“camera”, except in B.1(b), includes its housing, pan and tilt mechanism, infra red illuminator, receiver, mountings and brackets;</p> <p>“ground level” means the level of the surface of the ground immediately adjacent to the supporting structure or, where the level of the ground is not uniform, the level of the highest</p>

**Status:** Point in time view as at 10/06/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Planning (Application of Subordinate Legislation to the Crown) Order (Northern Ireland) 2006. (See end of Document for details)

part of the surface of the ground adjacent to it; “structure” and “supporting structure” means any pole, mast, tower or lamp standard.

## PART 27

### DEVELOPMENT FOR THE PURPOSES OF SECURITY AT PRISONS, JUVENILE JUSTICE CENTRES OR YOUNG OFFENDERS CENTRES

#### Class A

<b>Permitted development</b>	<b>A.</b>	<b>The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure for the purposes of security at any prison, juvenile justice centre or young offenders centre.</b>
<i>Development not permitted</i>	A.1	Development is not permitted by Class A if the height of any gate, fence, wall or other means of enclosure erected or constructed would exceed 5.2 metres above ground level.

#### Class B

<b>Permitted development</b>	<b>B.</b>	<b>The installation, alteration or replacement of a closed circuit television camera and associated lighting on a building or any other structure for the purposes of security at any prison, juvenile justice centre or young offenders centre.</b>
<i>Development not permitted</i>	B.1	Development is not permitted by Class B if— (a) the dimensions of the camera including its housing exceed 75 centimetres by 25 centimetres by 25 centimetres; or (b) the uniform level of lighting provided exceeds

		10 lux measured at ground level.
Conditions	B.2	Development is permitted by Class B subject to the following conditions— (a) the camera shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of any building to which it is fixed; (b) the camera shall be removed as soon as reasonably practicable after it is no longer required for the purposes of security.
Interpretation of Part 27	C.	For the purposes of Part 27— “camera”, except in paragraph B.1(a), includes its housing, pan and tilt mechanism, infra red illuminator, receiver, mountings and brackets; “ground level” means the level of the surface of the ground immediately adjacent to the building or structure to which the camera is attached or, where the level of the surface of the ground is not uniform, the level of the lowest part of the ground adjacent to it; “juvenile justice centre” has the meaning assigned to it by Article 51 of the Criminal Justice (Children) (Northern Ireland) Order 1998 <sup>(25)</sup> ; “prison” has the meaning assigned to it by section 47 of the Prison Act (Northern Ireland) 1953 <sup>(26)</sup> ;

<sup>(25)</sup> S.I. 1998/1504 (N.I. 9)

<sup>(26)</sup> 1953 c. 18 (N.I.) as amended by S.I. 1989/1344 (N.I. 15) and S.I. 1998/1504 (N.I. 9)

**Status:** Point in time view as at 10/06/2006.

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“structure” means any pole, mast, tower or lamp standard;  
“young offenders centre” has the meaning assigned to it by section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968(27).

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## PART 28

### DEVELOPMENT BY THE CROWN

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#### Class A

<b>Permitted development</b>	<b>A.</b>	<b>The erection or construction and the maintenance, improvement or other alteration by or on behalf of the Crown of—</b> (a) <b>any small ancillary building, works or equipment on Crown land and required for operational purposes;</b> <b>or</b> (b) <b>lamp standards, information kiosks, public shelters and seats, telephone boxes, fire alarms, drinking fountains, refuse bins or baskets, barriers for the control of people and vehicles, and similar structures or works required in connection with the operational purposes of the Crown.</b>
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Interpretation of Class A	A.1	The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.
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## **Class B**

### **Permitted development**

**B.**

### **The extension or alteration by or on behalf of the Crown of an operational Crown building.**

*Development not permitted*

**B.1**

Development is not permitted by Class B if—

- (a) the building as extended or altered is to be used for purposes other than those of—
  - (i) the Crown; or
  - (ii) the provision of employee facilities;
- (b) the height of the building as extended or altered would exceed the height of the original building;
- (c) the cubic content of the original building would be exceeded by more than—
  - (i) 10% , in respect of development in a conservation area, an area of outstanding natural beauty or a National Park; or
  - (ii) 25%, in any other case;
- (d) the floor space of the original building would be exceeded by more than—
  - (i) 500 square metres in respect of development in a conservation area, an area of outstanding natural beauty or a National Park; or
  - (ii) 1,000 square metres in any other case;
- (e) the external appearance of the original building would be materially affected;
- (f) any part of the development would be carried out within 5

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Interpretation of Class B	B.2	<p>metres of any boundary of the curtilage of the original building;</p> <p>(g) any part of the development is carried out within any boundary of the curtilage of the original building which adjoins the curtilage of any dwellinghouse or flat; or</p> <p>(h) the development would lead to a reduction in the space available for the parking or turning of vehicles.</p>
		<p>For the purposes of Class B—</p> <p>(a) the erection of any additional building within the curtilage of another building (whether by virtue of Class B or otherwise) and used in connection with it is to be treated as the extension of that building, and the additional building is not to be treated as an original building;</p> <p>(b) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement;</p> <p>(c) “employee facilities” means social, care or recreational facilities provided for employees of the Crown, including crèche facilities provided for the children of such employees.</p>
<b>Class C</b>	<b>C.</b>	<b>Development carried out on operational Crown land</b>
<b>Permitted development</b>		



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		<b>for operational purposes consisting of—</b> (a) <b>the installation of additional or replacement plant or machinery;</b> (b) <b>the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus; or</b> (c) <b>the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.</b>
<i>Development not permitted</i>	C.1	Development described in Class C(a) is not permitted if— (a) it would materially affect the external appearance of the premises of the undertaking concerned; or (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.
Interpretation of Class C	C.2	In Class C, “Crown land” does not include land in or adjacent to and occupied together with a mine.
<b>Class D</b>		
<b>Permitted development</b>	<b>D.</b>	<b>The creation by or on behalf of the Crown of a hard surface within the curtilage of an operational Crown building.</b>

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## PART 29

### AVIATION DEVELOPMENT BY THE CROWN

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#### Class A

<b>Permitted development</b>	<b>A.</b>	<b>The carrying out on operational Crown land by or on behalf of the Crown</b>
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**Status:** Point in time view as at 10/06/2006.

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<i>Development not permitted</i>	A.1	<p><b>of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at an airbase.</b></p> <p>Development is not permitted by Class A if it consists of or includes—</p> <ul style="list-style-type: none"><li>(a) the construction or extension of a runway;</li><li>(b) the construction of a passenger terminal;</li><li>(c) the extension or alteration of a passenger terminal, where the floorspace of the building as existing at 10th June 2006 or, if built after that date, of the building as built, is exceeded by more than 15%;</li><li>(d) the erection of a building other than an operational building; or</li><li>(e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance is materially affected.</li></ul>
Condition	A.2	<p>Development is permitted by Class A subject to the condition that the relevant airbase operator consults the Department before carrying out any development unless the development—</p> <ul style="list-style-type: none"><li>(a) is urgently required for the efficient running of the airbase; and</li><li>(b) consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building or equipment do not exceed 4 metres in height</li></ul>

		or 200 cubic metres in capacity.
Interpretation of Class A	A.3	For the purposes of Class A— (a) floorspace shall be calculated by external measurement and without taking account of the floorspace of any pier or satellite; (b) “operational building” means an operational Crown building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, military or civilian personnel, goods, military equipment, munitions and other items.
<b>Class B</b>		
<b>Permitted development</b>	<b>B.</b>	<b>The carrying out on operational land within the perimeter of an airbase, by or on behalf of the Crown, of development in connection with the provision of air traffic services.</b>
<b>Class C</b>		
<b>Permitted development</b>	<b>C.</b>	<b>The carrying out on operational land outside but within 8 kilometres of the perimeter of an airbase, by or on behalf of the Crown, of development in connection with the provision of air traffic services.</b>
<i>Development not permitted</i>	C.1	Development is not permitted by Class C if— (a) any building erected is used for a purpose other than housing equipment used in connection with the provision of air traffic services;

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- (b) any building erected exceeds a height of 4 metres; or
- (c) it consists of the installation or erection of any radar or radio mast or antenna or other apparatus which exceeds 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus if greater.

#### **Class D**

**Permitted development**      **D.**

**The carrying out on operational land, by or on behalf of the Crown, of development in connection with the provision of air traffic services.**

*Development not permitted*      **D.1**

Development is not permitted by Class C if—

- (a) any building erected is used for a purpose other than housing equipment used in connection with the provision of air traffic services;
- (b) any building erected exceeds a height of 4 metres; or
- (c) it consists of the installation or erection of any radar or radio mast or antenna or other apparatus which exceeds 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus if greater.

#### **Class E**

**Permitted development**      **E.**

**The use of land by or on behalf of the Crown in an emergency to station moveable apparatus replacing unserviceable apparatus in connection with**

Condition	E.1	<b>the provision of air traffic services.</b> Development is permitted by Class E subject to the condition that on or before the expiry of a period of 6 months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be restored to its condition before the development took place, or to such other state as may be agreed in writing between the Department and the developer.
<b>Class F</b>		
<b>Permitted development</b>	<b>F.</b>	<b>The use of land by or on behalf of the Crown to provide services and facilities in connection with the provision of air traffic services and the erection or placing of moveable structures on land for the purpose of that use.</b>
Condition	F.2	Development is permitted by Class F subject to the condition that on or before the expiry of the period of 6 months beginning with the date on which the use began, the use shall cease, and any structure shall be removed, and the land shall be restored to its condition before the development took place, or to such other state as may be agreed in writing between the Department and the developer.
<b>Class G</b>		
<b>Permitted development</b>	<b>G.</b>	<b>The use of land by or on behalf of the Crown for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.</b>
Condition	G.1	Development is permitted by Class G subject to the

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condition that on or before the expiry of 6 months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be restored to its condition before the development took place, or to such other state as may be agreed in writing between the Department and the developer.

**Class H**

**Permitted development**                      **H.**

**The use of buildings by or on behalf of the Crown within the perimeter of an airbase undertaking for purposes connected with air transport services or other flying activities at that airbase.**

Interpretation of Part 29                      **I.**

For the purposes of Part 29—  
 “airbase” means the aggregate of the land, buildings and works comprised in a Government aerodrome within the meaning of Article 155 of the Air Navigation Order 2005<sup>(28)</sup>; “air traffic services” has the same meaning as in section 98 of the Transport Act 2000<sup>(29)</sup> (air traffic services).

**PART 30**

**CROWN RAILWAYS, DOCKYARDS ETC. AND LIGHTHOUSES**

**Class A**

**Permitted development**                      **A.**

**Development by or on behalf of the Crown on operational Crown land, required in connection with the movement of traffic by rail.**

<sup>(28)</sup> S.I. 2005/1970

<sup>(29)</sup> 2000 c. 38

**Status:** Point in time view as at 10/06/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Planning (Application of Subordinate Legislation to the Crown) Order (Northern Ireland) 2006. (See end of Document for details)

<i>Development not permitted</i>	A.1	Development is not permitted by Class A if it consists of or includes— (a) the construction of a railway; (b) the construction or erection of a hotel, railway station or bridge; (c) the construction or erection otherwise than wholly within a railway station of a residential building, an office, or a building used for manufacturing or repair work; or (d) the land is within a site of archaeological interest.
Interpretation of Class A	A.2	For the purposes of Class A references to the construction or erection of any building or structure includes references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.
<b>Class B</b>		
<b>Permitted development</b>	<b>B.</b>	<b>Development on operational Crown land by or on behalf of the Crown or its lessees, required—</b> (a) <b>for the purposes of shipping; or</b> (b) <b>in connection with the embarking, disembarking, loading, discharge or transport of military personnel, military equipment, munitions, and other items at a dock, pier, pontoon or harbour.</b>
<i>Development not permitted</i>	B.1	Development is not permitted by Class B if— (a) it consists of or includes the construction or erection of a bridge or other building not required in connection

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		with the handling of traffic; or
		(b) the land is within a site of archaeological interest.
Interpretation of Class B	B.2	For the purposes of Class B references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.
<b>Class C</b>		
Permitted development	C.	<b>The use of any land by or on behalf of the Crown for the spreading of any dredged material resulting from a dock, pier, harbour, water transport, canal or inland navigation undertaking.</b>
<b>Class D</b>		
Permitted development	D.	<b>Development by or on behalf of the Crown on operational Crown land, or for operational purposes, consisting of—</b> (a) <b>the use of land as a lighthouse, with all the requisite works, roads and appurtenances;</b> (b) <b>the extension of, alteration or removal of a lighthouse; or</b> (c) <b>the erection, placing, alteration or removal of a buoy or beacon.</b>
<i>Development not permitted</i>	D.1	Development is not permitted by Class D if— (a) it consists of or includes the erection of offices, or the reconstruction or alteration of offices where their design or external appearance would be materially affected; or (b) the land is within a site of archaeological interest.



Interpretation of Class D	D.2	For the purposes of Class D— “buoys and beacons” include all other marks and signs of the sea; “lighthouse” includes any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signal.
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## PART 31

### EMERGENCY DEVELOPMENT BY THE CROWN

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#### Class A

Permitted development	A.	<b>Development on Crown land by or on behalf of the Crown for the purposes of—</b> (a) <b>preventing an emergency;</b> (b) <b>reducing, controlling or mitigating the effects of an emergency; or</b> (c) <b>taking other action in connection with an emergency.</b>
Conditions	A.1	Development is permitted by Class A subject to the following conditions— (a) the developer shall, as soon as is practicable after commencing development permitted by Class A, notify the Department of that development; and (b) on or before the expiry of the period of six months beginning with the date on which the development began— (i) the use shall cease and any buildings, plant, machinery, structures and erections permitted by Class A shall be removed; and

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- Interpretation of Class A      A.2
- (ii) the land shall be restored so far as is practicable to its condition before the development took place or to such other state as may be agreed in writing between the Department and the developer.
- (1) For the purposes of Class A “emergency” means an event or situation which threatens serious damage to—
- (a) human welfare in a place in the United Kingdom;
  - (b) the environment of a place in the United Kingdom; or
  - (c) the security of the United Kingdom.
- (2) For the purposes of paragraph (1)(a) an event or situation threatens damage to human welfare only if it involves, causes or may cause—
- (a) loss of human life;
  - (b) human illness or injury;
  - (c) homelessness;
  - (d) damage to property;
  - (e) disruption of a supply of money, food, water, energy or fuel;
  - (f) disruption of a system of communication;
  - (g) disruption of facilities for transport; or
  - (h) disruption of services relating to health.
- (3) For the purposes of paragraph (1)(b) an event

or situation threatens damage to the environment only if it involves, causes or may cause—

- (a) contamination of land, water or air with biological, chemical or radioactive matter; or
- (b) disruption or destruction of plant life or animal life.

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## PART 32

### DEVELOPMENT FOR NATIONAL SECURITY PURPOSES

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#### Class A

**Permitted development**

**A.**

**The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure by or on behalf of the Crown on Crown land for national security purposes.**

*Development not permitted*

A.1

Development is not permitted by Class A if the height of any gate, fence, wall or other means of enclosure erected or constructed would exceed 4.5 metres above ground level.

#### Class B

**Permitted development**

**B.**

**The installation, alteration or replacement by or on behalf of the Crown on Crown land of a closed circuit television camera and associated lighting on a building or any other structure for national security purposes.**

*Development not permitted*

B.1

Development is not permitted by Class B if—

- (a) the dimensions of the camera including its housing exceed 75 centimetres by 25

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		centimetres by 25 centimetres; or
		(b) the uniform level of lighting provided exceeds 10 lux measured at ground level.
Conditions	B.2	Development is permitted by Class B subject to the following conditions—
		(a) the camera shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of any building to which it is fixed;
		(b) the camera shall be removed as soon as reasonably practicable after it is no longer required for national security purposes.
Interpretation of Class B	B.3	For the purposes of Class B—
		“camera”, except in paragraph B.1(a), includes its housing, pan and tilt mechanism, infra red illuminator, receiver, mountings and brackets;
		“ground level” means the level of the surface of the ground immediately adjacent to the building or structure to which the camera is attached or, where the level of the surface of the ground is not uniform, the level of the lowest part of the ground adjacent to it;
		“structure” means any pole, mast, tower or lamp standard.
<b>Class C</b>		
<b>Permitted development</b>	<b>C.</b>	<b>Development by or on behalf of the Crown for national security purposes in, on, over or under Crown land consisting of—</b>
		(a) <b>the installation, alteration or</b>

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*Development not permitted*      C.1

- replacement of any electronic communications apparatus;**
- (b) the use of land in an emergency for a period not exceeding six months to station and operate moveable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use; or**
- (c) development ancillary to radio equipment housing.**

Development is not permitted by Class C(a) if—

- (a) it involves the installation of a mast which is not a replacement of an existing mast;
- (b) it involves the installation of an antenna which is not a replacement antenna, other than as provided for by C.3;
- (c) in the case of the alteration or replacement of apparatus already installed (other than on a building), the apparatus, excluding any antenna, would, when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;
- (d) in the case of the alteration or replacement of apparatus on a building, the height of the apparatus (taken by itself) would exceed the

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- height of the existing apparatus or—
- (i) 15 metres, where it is installed or is to be installed, on a building which is 30 metres or more in height; or
  - (ii) 10 metres in any other case, whichever is the greater;
- (e) in the case of the alteration or replacement of apparatus on a building, the highest part of the apparatus, when altered or replaced would exceed the height of the highest part of the building by more than the height of the existing apparatus or—
- (i) 10 metres, where it is installed or is to be installed, on a building which is 30 metres or more in height;
  - (ii) 8 metres in the case of a building which is more than 15 metres but less than 30 metres in height; or
  - (iii) 6 metres in any other case, whichever is the greater;
- (f) in the case of the alteration or replacement of apparatus (other than an antenna) on a mast and the apparatus supported by it would, when the apparatus was altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs C.1(c), (d) or (e), and for the purposes of applying the

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- limit specified in sub-paragraph (d), the words “(taken by itself)” shall be disregarded;
- (g) in the case of the installation, alteration or replacement of any apparatus other than—
    - (i) a mast;
    - (ii) an antenna;
    - (iii) any apparatus which does not project above the surface of the ground; or
    - (iv) equipment housing, the ground or base area of the structure would exceed the ground or base area of the existing structure or 1.5 metres, whichever is the greater;
  - (h) in the case of the alteration or replacement of an antenna on a building (other than a mast) which is less than 15 metres in height; on a mast located on such a building; or, where the antenna is to be located below a height of 15 metres above ground level, on a building (other than a mast) which is 15 metres or more in height—
    - (i) the antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located, unless it is essential for operational purposes that the antenna is located in that position; or

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- (ii) in the case of dish antennas, the size of any dish would exceed the size of the existing dish when measured in any dimension or 1.3 metres when measured in any dimension, whichever is the greater;
- (i) in the case of the alteration or replacement of a dish antenna on a building (other than a mast) which is 15 metres or more in height, or on a mast located on such a building, where the antenna is located at a height of 15 metres or above, measured from ground level the size of any dish would exceed the size of the existing dish when measured in any dimension or 1.3 metres when measured in any dimension, whichever is the greater;
- (j) in the case of the installation, alteration or replacement of equipment housing—
  - (i) the development is not ancillary to the use of any other electronic communications apparatus; or
  - (ii) the development would exceed 90 cubic metres or, if located on the roof of a building, the development would exceed 30 cubic metres.

C.2

Development consisting of the installation of apparatus is not permitted by Class C(a) in a



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C.3

conservation area, an area of outstanding natural beauty or a National Park unless—

- (a) the land on which the apparatus is to be installed is, or forms part of, a site on which there is existing electronic communications apparatus;
- (b) the existing apparatus was installed on the site on or before the relevant day; and
- (c) the site was Crown land on the relevant day.

(1) Subject to paragraph (2), development is not permitted by Class C(a) if it will result in the installation of more than one item of apparatus (“the original apparatus”) on a site in addition to any item of apparatus already on that site on the relevant day.

(2) In addition to the original apparatus which may be installed on a site by virtue of Class C(a), for every four items of apparatus which existed on that site on the relevant day, one additional item of small apparatus may be installed.

(3) In paragraph (2), “small apparatus” means—

- (a) a dish antenna, other than on a building, not exceeding 5 metres in diameter and 7 metres in height;
- (b) an antenna, other than a dish antenna and other than on a building, not exceeding 7 metres in height;
- (c) a hard standing or other base for any apparatus described in sub-paragraphs (a) and (b), not

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exceeding 7 metres  
in diameter;

(d) a dish antenna on  
a building, not  
exceeding 1.3 metres  
in diameter and 3  
metres in height;

(e) an antenna, other  
than a dish antenna,  
on a building, not  
exceeding 3 metres  
in height;

(f) equipment housing  
not exceeding 3  
metres in height and  
of which the area,  
when measured at  
ground level, does  
not exceed 9 square  
metres.

Conditions

C.4

(1) Class C(a) and Class C(c) development is permitted subject to the condition that any antenna or supporting apparatus, equipment housing or development ancillary to equipment housing constructed, installed, altered or replaced on a building in accordance with that permission shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(2) Class C(a) development consisting of the installation of any additional apparatus in a conservation area, an area of outstanding natural beauty or a National Park is permitted subject to the condition that the apparatus shall be installed as close as reasonably practicable to any existing apparatus.

(3) Class C(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall be removed from the land at the expiry of

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the relevant period and the land restored to its condition before the development took place.

(4) Class C development—

- (a) in a conservation area, an area of outstanding natural beauty, a National Park, or Area of Special Scientific Interest; or
- (b) on any other land and consisting of the alteration or replacement of a mast; or the installation, alteration or replacement of an antenna on a building or structure (other than a mast) where the antenna (including any supporting structure) would exceed the height of the building or structure at the point where it is installed or to be installed by 4 metres or more; or of equipment housing with a volume in excess of 2.5 cubic metres; or of development ancillary to equipment housing,

is permitted subject, except in an emergency, to the conditions set out in C.5.

C.5

(1) The developer shall, before commencing development, give notice of the proposed development to any person (other than the developer) who is an owner or occupier of the land to which the development relates—

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- (a) by serving the appropriate notice to every such person whose name and address is known to him;
- (b) where he has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement.

C.6

(1) Class C(b) or Class C.3 development consisting of the installation of one or more antennas is permitted subject to the condition that the developer shall—

- (a) except in a case of emergency give appropriate notice in writing to the Department no fewer than twenty-eight days before development is begun of the developer's intention to carry out such development; or
- (b) in a case of emergency give appropriate notice of such development as soon as possible after the emergency begins.

(2) The notice referred to in sub-paragraphs 1(a) and (b) shall be accompanied by a declaration that the proposed equipment and installation is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-ionising Radiation Protection, as

Interpretation of Class C

C.7

expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (1999/519/EC) (0 Hz to 300 GHz).

For the purposes of Class C—  
“appropriate notice” means a notice signed and dated by or on behalf of the developer and containing—  
(a) the name of the developer;  
(b) the address or location of the proposed development; and  
(c) a description of the proposed development (including its siting and appearance and the height of any mast);

“development ancillary to equipment housing” means the construction, installation, alteration or replacement of structures, equipment or other means of access which are ancillary to and reasonably required for the purposes of the equipment housing;

“electronic communications apparatus” has the same meaning as in the electronic communications code;  
“electronic communications code” has the meaning assigned to it by section 106(1) of the Communications Act 2003(30);

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“local advertisement” means by publication of the notice in a newspaper circulating in the locality in which the land to which the proposed development is situated;

“mast” means a structure erected by or on behalf of the developer for the support or housing of one or more antennae including a radio mast, radio tower, pole or other structure;

“relevant day” means—

- (a) 10th June 2006; or
- (b) where existing apparatus is installed pursuant to planning permission granted on or after 10th June 2006, the date when that apparatus is finally installed pursuant to that permission, whichever is later;

“relevant period” means a period which expires—

- (a) 6 months from the commencement of the construction, installation, alteration or replacement of any apparatus permitted by Class C(a) or Class C(c) or from the commencement of the use permitted by Class C(b), as the case may be; or
- (b) when the need for such apparatus, structure or use ceases, whichever occurs first.”

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Planning Reform (Northern Ireland) Order 2006 (“the 2006 Order”) applies the Planning (Northern Ireland) Order 1991 (“the 1991 Order”) to the Crown and, among other things, makes provision for national security, enforcement and the preservation of trees. Article 24 of the 2006 Order gives the Department of the Environment power, by order, to apply to the Crown with or without modification, any subordinate legislation made under or for the purposes of the 1991 Order.

The Order applies the following statutory rules to the Crown—

**Article 2**—The Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 1988 are applied with an amendment to regulation 3 (applications) to suspend the time period within which the Department gives notice of its decision on an application in circumstances where a request has been made to the Secretary of State for a national security certificate under Article 123B of the 1991 Order.

**Article 3**—The Planning (Listed Buildings) Regulations (Northern Ireland) 1992 are applied with an amendment to regulation 4 (notification of decision) to suspend the time period within which the Department gives notice of its decision on an application in circumstances where a request has been made to the Secretary of State for a national security certificate under Article 123B of the 1991 Order.

**Article 4**—The Planning (Control of Advertisements) Regulations (Northern Ireland) 1992 are applied with an amendment to regulation 10 (notification of decision) to suspend the time period within which the Department gives notice of its decision on an application in circumstances where a request has been made to the Secretary of State for a national security certificate under Article 123B of the 1991 Order. Further amendment has been made to extend the deemed advertising consent provisions in Class 1 of Schedule 3 to government departments.

**Article 5**—The Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 are applied with amendments including an exemption from hazardous substances consent for the presence of a hazardous substance at a military establishment and amendments allowing Crown bodies to apply for deemed hazardous substances consent. Regulation 12 (notification of decision) has been amended to suspend the time period within which the Department gives notice of its decision on an application in circumstances where a request has been made to the Secretary of State for a national security certificate under Article 123B of the 1991 Order.

**Article 6**—The Planning (General Development) Order (Northern Ireland) 1993 is applied with the following modifications—

Article 2 (interpretation) has been amended to include definitions relating to Crown development.

In paragraph (5) of Article 3 (permitted development) an exemption from the restrictions of this paragraph for Part 22 (development by Department for Regional Development—roads undertakings) has been inserted.

After paragraph (8) of Article 3 (permitted development) a new paragraph (9) has been added waiving the disapplication of permitted development rights in Article 3(8) for the Classes of development listed.

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In paragraph (2) of Article 4 (directions restricting permitted development) development permitted by Class B of Part 22 (Department for Regional Development—roads undertakings), Part 31 (emergency Crown development) and Part 32 (national security development) have been inserted.

Article 11 (time periods for decisions) has been amended to suspend the time period within which the Department gives notice of its decision on an application in circumstances where a request has been made to the Secretary of State for a national security certificate under Article 123B of the 1991 Order.

Article 18 (register of planning applications) has been amended to preclude the holding of information on the Register of Planning Applications relating to matters to which Article 123(B) of the 1991 Order applies.

Schedule 1 of the General Development Order has been amended to include new Parts 22–32 describing permitted development rights exercisable by Crown bodies. These new Parts are set out in the Schedule to this Order.

**Article 7**—The Planning (Fees) Regulations (Northern Ireland) 1995 are applied without modification.

**Article 8**—Part IV (adaptation of planning and other controls) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 are applied without modification.

**Article 9**—The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 are applied without modification.

**Article 10**—The Planning (Trees) Regulations (Northern Ireland) 2003 are applied with the following modifications—

In the Second Schedule of the Schedule (form of tree preservation order), paragraph 11—Order made under Article 115 (tree preservation orders in anticipation of disposal of Crown land) has been removed. Article 115 of the 1991 Order is repealed by paragraph 9 of Schedule 1 to the 2006 Order.

In the Third Schedule of the form of Tree Preservation Order exemptions from the requirement to obtain consent from the Department have been added for the Department for Regional Development for roads undertakings and for persons providing water and sewerage services. Work that is urgently necessary for national security purposes is also exempted.

**Article 11**—The Landfill Regulations (Northern Ireland) 2003, insofar as they relate to planning permission for landfill, are applied without modification.

**Article 12**—The Planning (Use Classes) Order (Northern Ireland) 2004 is applied with the insertion of a new class of development, C4 (secure residential institutions). Use as a law court has also been added to class D1.

**Article 13**—The Planning (Fees) Regulations (Northern Ireland) 2005 are applied without modification.

**Article 14**—The Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2005 are applied without modification.

**The Schedule** to this Order sets out new Parts describing development permitted under Article 3 of the Planning (General Development) Order 1993. The Parts are as follows—

*Part 22*—Describes permitted development rights exercisable by the Department for Regional Development for the purposes of roads undertakings.

*Part 23*—Describes permitted development rights exercisable by the Department for Regional Development for the purposes of providing water and sewerage services.



*Part 24*—Describes permitted development rights exercisable by the Department of Agriculture and Rural Development for the purposes of drainage undertakings.

*Part 25*—Describes permitted development rights exercisable by the Department of Culture, Arts and Leisure for the purposes of waterway, canal works and inland fisheries.

*Part 26*—Describes permitted development rights exercisable by the Department of the Environment.

*Part 27*—Describes permitted development rights exercisable for the purposes of providing security at prisons, juvenile justice centres and young offenders centres.

*Part 28*—Describes permitted development rights exercisable by the Crown generally.

*Part 29*—Describes permitted development rights for aviation development by the Crown.

*Part 30*— Describes permitted development rights exercisable by the Crown for development on operational Crown land in respect of railway, dockyard and lighthouse development.

*Part 31*—Describes permitted development rights for emergency development by the Crown on any Crown land for the purpose of dealing with an emergency.

*Part 32*—Describes permitted development rights exercisable by the Crown for national security purposes.

**Status:**

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**Changes to legislation:**

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