

SCHEDULES

SCHEDULE 2

Article 25.

CROWN APPLICATION – TRANSITIONAL PROVISIONS

PART 1

PLANNING PERMISSION

Introduction

1. This Part applies to a development if—
 - (a) it is a development for which before the relevant date no planning permission is required,
 - (b) it is not a development or of a description of development for which planning permission is granted by virtue of a development order, and
 - (c) before the relevant date proposed development notice had been given to the Department.
2. In this Part—
 - (a) the relevant date is the date of the coming into operation of Article 21(1);
 - (b) proposed development notice is notice of a proposal for development given by the developer in pursuance of arrangements made by the Department in relation to development by or on behalf of the Crown;
 - (c) the developer is the Crown or a person acting on behalf of the Crown.

Acceptable development

3.—(1) This paragraph applies if before the relevant date in pursuance of the arrangements the Department has given notice to the developer that it finds the proposed development acceptable.

(2) The notice shall be treated as if it is planning permission granted under Part IV of the principal Order.

(3) If the notice is subject to conditions the conditions have effect as if they are conditions attached to the planning permission.

4.—(1) This paragraph applies if before the relevant date the Department has in pursuance of the arrangements kept a register of proposed development notices.

(2) The register shall be treated as if it is part of the register kept by the Department in pursuance of Article 124 of the principal Order.

Pending proposals

- 5.—(1) This paragraph applies if before the relevant date—
 - (a) proposed development notice has been given, but

- (b) the Department has not given notice to the developer as mentioned in paragraph 3.
- (2) The principal Order applies as if the proposal is an application for planning permission duly made under that Order.

PART 2

LISTED BUILDING CONSENT AND CONSERVATION AREA CONSENT

Introduction

- 6. This Part applies to works if—
 - (a) they are works for which before the relevant date no listed building consent is required, and
 - (b) before the relevant date proposed works notice had been given to the Department.
- 7. In this Part—
 - (a) the relevant date is the date of the coming into operation of Article 21(1);
 - (b) proposed works notice is notice of a proposal for works given by the person proposing to carry out the works (the developer) in pursuance of arrangements made by the Department in relation to development by or on behalf of the Crown;
 - (c) the developer is the Crown or a person acting on behalf of the Crown.

Acceptable works

- 8.—(1) This paragraph applies if before the relevant date in pursuance of the arrangements the Department has given notice to the developer that it finds the proposed works acceptable.
 - (2) The notice shall be treated as if it is listed building consent granted under paragraph (2) or, as the case may be, (3) of Article 44 of the principal Order.
 - (3) If the notice is subject to conditions the conditions have effect as if they are conditions attached to the consent.

- 9.—(1) This paragraph applies if before the relevant date the Department has in pursuance of the arrangements kept a register of proposed works notices.
 - (2) The register shall be treated as if it is part of the register kept by the Department in pursuance of Article 124 of the principal Order.

Pending proposals

- 10.—(1) This paragraph applies if before the relevant date—
 - (a) proposed works notice has been given, but
 - (b) the Department has not given notice to the developer as mentioned in paragraph 8.
- (2) The principal Order applies as if the proposal is an application for listed building consent duly made under that Order.
- 11. This Part shall have effect in relation to the demolition of buildings to which Article 51 of the principal Order applies as if the demolition of such buildings were works to which this Part applies.

PART 3

HAZARDOUS SUBSTANCES

12.—(1) This paragraph applies if at any time during the establishment period a hazardous substance was present on, over or under Crown land.

(2) The appropriate authority shall make a claim in the prescribed form before the end of the transitional period.

(3) The claim shall contain the prescribed information as to—

- (a) the presence of the substance during the establishment period;
- (b) how and where the substance was kept and used.

(4) Unless sub-paragraph (5) or (7) applies, the Department is deemed to have granted the hazardous substances consent claimed in pursuance of sub-paragraph (2).

(5) This sub-paragraph applies if the Department thinks that a claim does not comply with sub-paragraph (3).

(6) If sub-paragraph (5) applies, the Department shall, before the end of the period of two weeks from its receipt of the claim—

- (a) notify the claimant that in the Department’s opinion the claim is invalid;
- (b) give the claimant the Department’s reasons for that opinion.

(7) This sub-paragraph applies if at no time during the establishment period was the aggregate quantity of the substance equal to or greater than the controlled quantity.

(8) Hazardous substances consent which is deemed to be granted under this paragraph is subject—

- (a) to the condition that the maximum aggregate quantity of the substance that may be present for the purposes of this sub-paragraph at any one time shall not exceed the established quantity;
- (b) to such other conditions (if any) as are prescribed for the purposes of this paragraph and are applicable in the case of the consent.

(9) A substance is present for the purposes of sub-paragraph (8)(a) if—

- (a) it is on, over or under land to which the claim for consent relates,
- (b) it is on, over or under other land which is within 500 metres of it and is controlled by the Crown, or
- (c) it is in or on a structure controlled by the Crown any part of which is within 500 metres of it,

and in calculating whether the established quantity is exceeded a quantity of a substance which falls within more than one of heads (a) to (c) shall be counted only once.

(10) The establishment period is the period of 12 months ending on the day before the date of the coming into operation of Article 21(1) of the Planning Reform (Northern Ireland) Order 2006.

(11) The transitional period is the period of 6 months starting on the day before the date of the coming into operation of that Article.

(12) The established quantity in relation to any land is the maximum quantity which was present on, over or under the land at any one time within the establishment period.

(13) In this paragraph, “appropriate authority” has the same meaning as in Part XII of the principal Order.