

PLANNING REFORM (NORTHERN IRELAND) ORDER 2006

S.I. 2006 No. 1252 (N.I. 7)

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

Part Iv Crown Application

Article 21 and Schedule 1 – Crown application

26. This Article removes Crown immunity subject to certain provisions and exceptions. It inserts new provisions regarding enforcement and applications for planning permission, etc by the Crown, and in relation to the service of notices on the Crown. Further amendments relating to the Crown are included in Schedule 1. These relate to service of enforcement notices, hazardous substances consent, rights of entry, compulsory acquisition of land for planning purposes and the service of purchase notices. Definitions relating to the Crown are revised and there are provisions requiring the Crown to provide information as to estates in Crown land.
27. The exceptions relate to the recovery by the Department of costs relating to the execution of works required by an enforcement notice, injunctions, urgent works to preserve a building in a conservation area and the recovery by the Department of costs relating to the execution of works required by an Article 82 enforcement notice (enforcement of duties as to replacement of trees).

Article 22 – National security

28. [Article 22](#) introduces new procedures for planning applications, etc, where, in the opinion of the Secretary of State, the consideration by the Department of objections or representations received in relation to the application raise issues of national security. Procedures will enable decisions to be made where, for security reasons, details of the development cannot be revealed but where to withhold such details would impact on the ability of interested parties to fully participate in the planning process. The Department will be required to hold a public local inquiry in such circumstances.
29. Special provision is made for the giving of evidence at inquiries under the Planning (Northern Ireland) Order 1991 where national security issues are raised. The Secretary of State may direct that certain evidence may only be heard by, or open to inspection by, certain persons. If the Secretary of State gives such a direction, the Advocate General for Northern Ireland may appoint a person to represent the interests of any person who will be prevented from hearing or inspecting such evidence.
30. Powers provide for the appointment, payment and functions of a person (the appointed representative) to represent the interests of those people who are prevented from seeing the restricted material.

Article 23 – Trees in conservation areas: acts of Crown

31. This Article prohibits the Crown from doing any act to a tree in a conservation area which might be prohibited by a tree preservation order, unless it serves notice of its intention on the Department and does the act either with the consent of the Department or between six weeks and two years after the date of the notice.

Article 24 - Subordinate legislation

32. [Article 24](#) provides the Department with a power to make an order to apply existing planning subordinate legislation to the Crown, with or without modifications.

Article 25 and Schedule 2 – Crown application: transitional

33. [Article 25](#) introduces Schedule 2 which makes transitional provisions to deal with applications for planning permission submitted by the Crown to the Department