

SCHEDULE 4

PART 1

MODIFICATIONS OF SECTIONS 40, 43, 44, 58, 59, 60, 68 AND
70 OF THE PLANNING ACT (NORTHERN IRELAND) 2011

Column 1	Column 2
<i>Provision of the 2011 Act</i>	<i>Modifications</i>
Section 40(1) (form and content of applications)	None.
Section 40(2)	None.
Section 40 (3) to (5)	Omit.
Section 43 (notice requiring planning application to be made)	In the title, for “planning application” substitute “application for consent”.
Section 43(1)	For the words “development has been carried out —(a)” substitute “any advertisement has been displayed”. Omit “in accordance with this Part; or”. Omit paragraph (b). Omit the words “or approval”.
Section 43(2)	For the words “5 years” to the end substitute “10 years from the date on which the advertisement to which it relates was first displayed”.
Section 43(3)	For the words “matters alleged to constitute development” substitute “advertisement”.
Section 43(4)	For the words “owner” to the end substitute “person displaying the advertisement”.
Section 43(5)	For the word “any” substitute “the”.
Section 43(6) & (7)	Omit.
Section 43(8)	For the words “subsections (5) to (7)” substitute “subsection (5)”.
Section 43 (9) to (11)	None.
Section 43(12)	Omit the words “or approval”.
Section 44(1) (appeal against notice under section 43)	None.
Section 44(2)	For paragraphs (a) to (c) substitute— “(a) that the display of the advertisement referred to in the notice does not require consent; (b) that no advertisement has been displayed as alleged in the notice;

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	(c) that the period of 10 years referred to in section 43(2) had elapsed at the date when the notice was issued.”
Section 44(3) to (7)	None.
Section 58(1) (appeals)	Omit the words “to develop land; or” in paragraph (a). Omit paragraphs (b) and (c). For the words “permission, consent, agreement or approval” substitute “consent”.
Section 58(2)	Omit.
Section 58(3)	None.
Section 58(4)	Omit the words “, subject to subsections (5) to (7),”.
Section 58 (5) & (6)	None.
Section 58(7)	Omit.
Section 59(1) (matters which may be raised in an appeal under section 58)	Omit the words “or, as the case may be, the Department”
Section 59(2)	“None”
Section 60 (appeal against failure to take planning decision)	After the words “section 58(1)” insert the words “as applied and modified by the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015”. Omit the words “either—”, “(a)”, and “; or” in paragraph (a). Omit paragraph (b). Omit paragraph (c). In head (i) for the words “permission, consent, agreement or approval” substitute “consent”.
Section 68 (revocation or modification of planning permission by council)	In the title for “planning permission” substitute “express consent”.
Section 68	Substitute the following— “(1) If it appears to a council that it is expedient to revoke or modify any consent for the display of an advertisement, the council may, subject to subsections (3) and (4), by order revoke or modify the consent to such extent as it considers expedient.

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	<p>(2) Without prejudice to the generality of subsection (1), a council may have regard to any material change in circumstances that has occurred since the consent was granted.</p> <p>(3) The power conferred by this section to revoke or modify consent for the display of an advertisement may be exercised—</p> <ul style="list-style-type: none">(a) where the consent relates to a display which involves the carrying out of building or other operations, at any time before those operations have been completed;(b) in any other case, at any time before the display of the advertisement has begun; <p>except that the revocation or modification of consent for a display which involves the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.</p> <ul style="list-style-type: none">(a) (4) Where the council makes an order under this section it must serve a notice on—<ul style="list-style-type: none">(i) the person who applied for the consent;(ii) the owner and occupier of the land affected; and(iii) any other person who, in its opinion, would be affected by the order;(b) the order shall take effect on the day after that on which the council complies with the requirements of paragraph (a).”
Section 70(1) (procedure for section 68 orders: opposed cases)	For the words “Except as provided in section 71, an” substitute “An”.
Section 70(2)	For subsection (2) substitute the following subsection— <p>“(2) Where a council submits such an order to the Department for confirmation, it must serve notice on—</p> <ul style="list-style-type: none">(a) the person who applied for the consent;(b) the owner and occupier of the land affected; and

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Section 70(3) to (5)	(c) any other person who, in its opinion, would be affected by the order.”
Section 70(6)	None.
	For subsection (6) substitute the following subsection— <ul style="list-style-type: none"><li data-bbox="863 645 1345 808">(a) “(6) The Department may confirm an order submitted to it under this section either without modification or subject to such modifications as the Department considers expedient;<li data-bbox="863 808 1345 1227">(b) without prejudice to the generality of paragraph (a), in considering whether to confirm an order submitted to it under this section, the Department—<ul style="list-style-type: none"><li data-bbox="938 954 1345 1077">(i) may have regard to any material change in circumstances that has occurred since the consent was granted;<li data-bbox="938 1077 1345 1227">(ii) where a hearing is held under subsection (3), the Department shall consider the report of the commission.”