
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 159

**The Planning (2011 Act) (Commencement
No.3) and (Transitional Provisions)
(Amendment) Order (Northern Ireland) 2016**

Amendment of the Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015

2. In Schedule 2 to the Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015⁽¹⁾ for paragraphs 10 and 11 substitute—

“Transitional provisions: revocation or modification of planning permission

10.—(1) Subject to sub-paragraph (5) this paragraph applies where before the transfer date the Department served a notice under Article 38 (Revocation or modification of planning permission) (or any order or regulation made under the 1991 Order).

(2) Where this paragraph applies the appropriate council shall be deemed to have made and submitted to the Department for confirmation an order for the purposes of section 68 (Revocation or modification of planning permission by council).

(3) The notice mentioned in sub-paragraph (1) shall be treated as if it had been served by the appropriate council for the purposes of section 68(4) (or any order or regulation made under the 2011 Act) and unless the person on whom the notice was served requests in writing within the period specified in the notice an opportunity of appearing before and being heard by the PAC the order mentioned in sub-paragraph (2) shall take effect in accordance with section 71(2) without requiring to be confirmed by the Department.

(4) Where a person on whom a notice mentioned in sub-paragraph (1) is served requests in writing within the period specified in that notice an opportunity of appearing before and being heard by the PAC then section 70 (procedure for section 68 orders: opposed cases) shall apply to that order.

(5) Where in respect of any notice to which this paragraph applies the Department has before the transfer date already afforded to any person mentioned in Article 38(2) an opportunity of appearing before and being heard by the PAC, the Department or the appropriate council shall be deemed to have complied with all the procedural requirements under sections 68 and 70 in connection with the making of an order under section 68 and may make such an order accordingly.

Transitional provisions: orders requiring discontinuance of use or alteration or removal of building or works

11.—(1) This paragraph applies where before the transfer date the Department served a notice under Article 39 (Orders requiring discontinuance of use or alteration or removal of buildings or works) (or any order or regulation made under the 1991 Order).

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(2) Where this paragraph applies the appropriate council shall be deemed to have made and submitted to the Department for confirmation an order for the purposes of section 73 (Orders requiring discontinuance of use or alteration or removal of building or works) (or any order or regulation made under the 2011 Act).

(3) The notice mentioned in sub-paragraph (1) shall be treated as if it had been served by the appropriate council for the purposes of section 74(3) and subject to sub-paragraph (4) the order mentioned in sub-paragraph (2) shall be treated as if it had been confirmed by the Department under section 74 (Confirmation by Department of section 73 orders) (or any order or regulation made under the 2011 Act).

(4) Section 74(5) shall apply to the order mentioned in sub-paragraph (2) if any person on whom the notice mentioned in sub-paragraph (1) was served, within the period specified in the notice, in writing to the Department requests the opportunity of appearing before and being heard by the PAC.”.