
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Planning Reform (Northern Ireland) Order 2006

PART III

CORRECTION OF ERRORS

Correction of errors in decision documents

17.—(1) This Article applies if the Department issues a decision document which contains a correctable error.

(2) The Department may correct the error—

- (a) if it is requested to do so in writing by any person;
- (b) if it sends a statement in writing to the applicant which explains the error and states that it is considering making the correction.

(3) But the Department shall not correct the error unless—

- (a) not later than the end of the relevant period it receives a request mentioned in paragraph (2) (a) or sends a statement mentioned in paragraph (2)(b); and
- (b) it obtains the appropriate consent.

(4) The relevant period is the period specified for the purposes of paragraph (3)(a) in a development order.

(5) The appropriate consent is—

- (a) the consent in writing of the applicant;
- (b) if the applicant is not the owner of the land in respect of which the decision was made, the consent in writing of both the applicant and the owner.

(6) But consent is not appropriate consent if it is given subject to a condition.

Correction notice

18.—(1) If sub-paragraph (a) or (b) of Article 17(2) applies the Department shall as soon as practicable after making any correction or deciding not to make any correction issue a notice in writing (a correction notice) which—

- (a) specifies the correction of the error; or
- (b) gives notice of its decision not to correct such an error.

(2) The Department shall give the correction notice to—

- (a) the applicant;
- (b) if the applicant is not the owner of the land in respect of which the original decision was made, the owner;
- (c) if the correction was requested by any other person, that person.

Effect of correction

- 19.**—(1) If a correction is made in pursuance of Article 17—
- (a) the original decision is taken not to have been made;
 - (b) the decision is taken for all purposes to have been made on the date the correction notice is issued.
- (2) If a correction is not made—
- (a) the original decision continues to have full force and effect;
 - (b) nothing in this Part affects anything done in pursuance of or in respect of the decision.

Supplementary

- 20.**—(1) This Article applies for the purposes of this Part.
- (2) A decision document is a document which records any of the following decisions—
- (a) a decision to grant or refuse planning permission;
 - (b) a decision to grant outline planning permission;
 - (c) a decision to approve reserved matters (within the meaning of Article 35 of the principal Order);
 - (d) any decision to grant planning permission under sub-paragraph (a) of paragraph (1) of Article 71 of the principal Order or to discharge a condition or limitation under sub-paragraph (b) of that paragraph;
 - (e) a decision to grant or to refuse to grant a certificate under Article 83A or 83B of the principal Order;
 - (f) any decision relating—
 - (i) to an application for consent under a tree preservation order,
 - (ii) to an application for consent under any regulations made under Article 67 of the principal Order, or
 - (iii) to any certificate or direction under any such order or regulations;
 - (g) a decision on an application for listed building consent under Article 44(2) or (3) of the principal Order;
 - (h) a decision relating to any consent under Article 51 of the principal Order (conservation area consent);
 - (i) a decision under Article 55 of the principal Order (determination of applications for hazardous substances consent);
 - (j) any other decision under the principal Order which is of a description specified by the Department in a development order.
- (3) A correctable error is an error—
- (a) which is contained in any part of the decision document which records the decision; but
 - (b) which is not part of any reasons given for the decision.
- (4) The applicant is in the case of a decision made on an application under the principal Order, the person who made the application.
- (5) The owner in relation to land is a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let.
- (6) Error includes omission.