

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Cross Heading: Call in of applications to Department. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 3

PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS

Modifications etc. (not altering text)

- C1** Schs. 1-3: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

Call in of applications to Department

10.—(1) The Department may give directions requiring applications made under paragraph 7 to any council to be referred to the Department for determination instead of being dealt with by the council.

(2) A direction under sub-paragraph (1) may—

- (a) be given either to a particular council or to councils generally; and
- (b) may relate either to a particular application or to applications of a class specified in the direction.

(3) Where an application is referred to the Department in accordance with a direction under sub-paragraph (1), paragraph 7(5) and (6), and paragraph 12 so far as relating to applications under paragraph 7, shall apply, with any necessary modifications, to the Department's determination of the application as they apply to the determination of applications by the council.

(4) For the purpose of considering representations made in respect of an application referred to it under this paragraph, the Department may cause a public local inquiry to be held by—

- (a) the planning appeals commission; or
- (b) a person appointed by the Department for the purpose.

(5) Where a public local inquiry is not held under sub-paragraph (4), the Department must, before determining the application, serve a notice on the applicant and the appropriate council indicating the decision which it proposes to make on the application; and if within such period as may be specified in that

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behalf in the notice (not being less than 28 days from the date of service of the notice), the applicant or the council so requests in writing, the Department must afford to each of them an opportunity of appearing before and being heard by—

(a) the planning appeals commission; or

(b) a person appointed by the Department for the purpose.

(6) In determining an application referred to it under this paragraph, the Department must, where any inquiry or hearing is held, take into account any report of the planning appeals commission or a person appointed by the Department for the purposes of the inquiry or hearing, as the case may be.

(7) The decision of the Department on an application referred to it under this paragraph shall be final.

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