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**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, Paragraph 6. (See end of Document for details)

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## 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))

*Application for postponement of the first review date*

**6.—(1)** Any person who is the owner of any land, or of any interest in any mineral, comprised in a mining site may, no later than the day upon which expires the period of 3 months from the day upon which notice was served on that person under paragraph 5, apply under this paragraph to the council for the postponement of the first review date.

- (2) An application under this paragraph must be in writing and must set out—
- (a) the conditions to which each mineral permission relating to the site is subject;
  - (b) the applicant's reasons for considering those conditions to be satisfactory; and
  - (c) the date which the applicant wishes to have substituted for the first review date.
- (3) Where the council receives an application made under this paragraph—
- (a) if it considers the conditions referred to in sub-paragraph (2)(a) to be satisfactory it must agree to the first review date being postponed in which event it must determine the date to be substituted for that date;
  - (b) in any other case it must refuse the application.

(4) When the council determines an application made under this paragraph, it must notify the applicant in writing of its decision and, in a case where the council has agreed to the postponement of the first review date, it must notify the applicant of the date which it has determined should be substituted for the first review date.

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(5) Where, within the period of 3 months of the council having received an application under this paragraph, or within such extended period as may at any time be agreed upon in writing between the applicant and the council, the council has not given notice, under sub-paragraph (4), to the applicant of its decision upon the application, the council shall be treated as having, at the end of that period or, as the case may be, that extended period—

- (a) agreed to the first review date being postponed; and
- (b) determined that the date referred to in sub-paragraph (2)(c) be substituted for the first review date.

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