

SCHEDULE 4

PART 2

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

Procedure for section 68 orders: opposed cases

70.—(1) An order under section 68 shall not take effect unless it is confirmed by the Department.

(2) Where a council submits such an order to the Department for confirmation, it must serve notice on—

- (a) the person who applied for the consent;
- (b) the owner and occupier of the land affected; and
- (c) any other person who, in its opinion, would be affected by the order.

(3) The notice must specify the period within which any person on whom it is served may require the Department to give that person an opportunity of appearing before, and being heard by, the planning appeals commission.

(4) If within that period such a person so requires, before the Department confirms the order it must give such an opportunity both to that person and to the council.

(5) The period referred to in subsection (3) must not be less than 28 days from the service of the notice.

- (a) (6) (a) 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;
- (b) without prejudice to the generality of paragraph (a), in considering whether to confirm an order submitted to it under this section, the Department —
 - (i) may have regard to any material change in circumstances that has occurred since the consent was granted;
 - (ii) where a hearing is held under subsection (3), the Department shall consider the report of the commission.