



## 2011 CHAPTER 25

### Part 6

#### Compensation

##### **Compensation: failure of consultee to respond under section 229**

**189** Where a consultee fails to respond to a council or departmental consultation in accordance with section 229(3) and—

- (a) that council or, as the case may be, the Department—
  - (i) takes a decision under this Act to grant planning permission in the absence of such a response; and
  - (ii) subsequently receives information which the council or the Department could reasonably expect to have been included in that response; and
  - (iii) decides to revoke or modify planning permission under section 68, or make an order under section 73, due to the information referred to in sub-paragraph (ii); and
- (b) compensation is payable by a council under section 26 of the Act of 1965 in connection with the decision under sub-paragraph (iii),

the sponsoring department (if any) shall pay to the council the amount of compensation payable.

##### **Modifications etc. (not altering text)**

- C1** [S. 189](#): 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))

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**Changes to legislation:** There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 189. (See end of Document for details)

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**Commencement Information**

- I1** S. 189 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, [Sch. 1](#)
- I2** S. 189 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 189.