



## 2011 CHAPTER 25

### **Part 10**

#### Assessment of council's performance or decision making

##### **Report of assessment**

**210.**—(1) On completion of an assessment conducted by the Department under section 207 or 208, the Department must—

- (a) prepare a report, and
- (b) issue it to the council.

(2) On completion of an assessment conducted by an appointed person under section 207 or 208 that person must—

- (a) prepare a report,
- (b) submit it to the Department, and
- (c) issue it to the council.

(3) A report prepared under subsection (1) or (2) is in this section referred to as an “assessment report”.

(4) The assessment report may—

- (a) in the case of an assessment carried out under section 207, recommend improvements which the council should make as to how it carries out its functions under this Act, and
- (b) in the case of an assessment carried out under section 208, recommend improvements which the council should make as to how it deals with applications for planning permission.

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*Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 210. (See end of Document for details)*

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(5) A council receiving an assessment report must, within the 3 months which immediately follow such receipt or within such longer period as may be agreed between the council and the Department, prepare and submit to the Department a report (in this section referred to as a “response report”) as to—

- (a) the extent to which, the manner in which and the period within which it proposes to implement the recommendations of the assessment report, or
- (b) in so far as it declines to implement those recommendations, the council's reasons for so declining.

(6) Any person who—

- (a) issues an assessment report to a council, or
- (b) submits a response report to the Department,

must publish it.

(7) If—

- (a) the council declines to implement recommendations of the assessment report, or
- (b) it appears to the Department that the council is not timeously carrying out such implementation as the council proposed in the response report,

the Department may issue a direction to the council requiring it to take such action as is specified in the direction.

(8) The Department must publish—

- (a) any direction issued under subsection (7), and
- (b) any variation or revocation of such a direction.

(9) In this section, “publish” includes, without prejudice to that expression's generality, publish by electronic means.

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#### **Commencement Information**

- I1** S. 210 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49, art. 2, Sch. 1](#)
- I2** S. 210 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 210.