



## 2011 CHAPTER 25

### Part 3

#### Planning control

##### *Duration of planning permission*

##### **Confirmation by Department of section 73 orders**

**74.—**(1) An order under section 73 shall not take effect unless it is confirmed by the Department, either without modification or subject to such modifications as the Department considers expedient.

(2) The power of the Department under this section to confirm an order subject to modifications includes power—

- (a) to modify any provision of the order granting planning permission, as mentioned in subsections (2) and (3) of section 73;
- (b) to include in the order any grant of planning permission which might have been included in the order as submitted to it.

(3) Where a council submits an order to the Department for its confirmation under this section, the council must serve notice—

- (a) on the owner of the land affected,
- (b) on the occupier of that land, and
- (c) on any other person who in the opinion of the council will be affected by the order.

(4) 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.

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*Status: Point in time view as at 15/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 74. (See end of Document for details)*

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(5) 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.

(6) The period referred to in subsection (4) must not be less than 28 days from the service of the notice.

(7) Where an order under section 73 has been confirmed by the Department, the council must serve a copy of the order on the owner and occupier of the land to which the order relates.

(8) Where the Department exercises its powers under subsection (2) in confirming an order granting planning permission, the Department is the authority referred to in sections 61(1)(b) and 62(4).

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

- C1** Pt. 3 applied with modification(s) (1.4.2015) by [The Planning General Regulations \(Northern Ireland\) 2015 \(S.R. 2015/39\)](#), regs. 1(1), 2 (with regs. 3-10)
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**Commencement Information**

- I1** S. 74 in operation at 1.2.2015 for specified purposes by [S.R. 2015/25](#), **art. 2**
- I2** S. 74 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/25](#), **art. 3**

**Status:**

Point in time view as at 15/03/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 74.