

SCHEDULE 2

Transitional provisions

[^{F1}Transitional provisions: revocation or modification of planning permission

10.—(1) Subject to sub-paragraph (5) this paragraph applies where before the transfer date the Department served a notice under Article 38 (Revocation or modification of planning permission) (or any order or regulation made under the 1991 Order).

(2) Where this paragraph applies the appropriate council shall be deemed to have made and submitted to the Department for confirmation an order for the purposes of section 68 (Revocation or modification of planning permission by council).

(3) The notice mentioned in sub-paragraph (1) shall be treated as if it had been served by the appropriate council for the purposes of section 68(4) (or any order or regulation made under the 2011 Act) and unless the person on whom the notice was served requests in writing within the period specified in the notice an opportunity of appearing before and being heard by the PAC the order mentioned in sub-paragraph (2) shall take effect in accordance with section 71(2) without requiring to be confirmed by the Department.

(4) Where a person on whom a notice mentioned in sub-paragraph (1) is served requests in writing within the period specified in that notice an opportunity of appearing before and being heard by the PAC then section 70 (procedure for section 68 orders: opposed cases) shall apply to that order.

(5) Where in respect of any notice to which this paragraph applies the Department has before the transfer date already afforded to any person mentioned in Article 38(2) an opportunity of appearing before and being heard by the PAC, the Department or the appropriate council shall be deemed to have complied with all the procedural requirements under sections 68 and 70 in connection with the making of an order under section 68 and may make such an order accordingly.]

Textual Amendments

F1 Sch. 2 paras. 1011 substituted (16.3.2016) by [The Planning \(2011 Act\) \(Commencement No.3\) and \(Transitional Provisions\) \(Amendment\) Order \(Northern Ireland\) 2016 \(S.R. 2016/159\)](#), arts. 1, 2

Changes to legislation:

There are currently no known outstanding effects for the The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015, Paragraph 10.