STATUTORY RULES OF NORTHERN IRELAND

2016 No. 159 (C. 10)

PLANNING

The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) (Amendment) Order (Northern Ireland) 2016

Made - - - - 15th March 2016

The Department of the Environment makes the following Order in exercise of the powers conferred by sections 247(6) and 254(1) of the Planning Act (Northern Ireland) 2011(**1**).

Citation and commencement

1. This Order may be cited as the Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) (Amendment) Order (Northern Ireland) 2016 and shall come into operation on 16th March 2016.

Amendment of the Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015

2. In Schedule 2 to the Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015(**2**) for paragraphs 10 and 11 substitute—

"**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

(**1**) 2011 c.25 (N.I.)
(**2**) S.R. 2015 No.49(c.5)