



2011 CHAPTER 25

Part 10

Assessment of council's performance or decision making

Modifications etc. (not altering text)

- C1** Pts. 10-12: 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))

Assessment of council's performance

207 The Department may conduct, or appoint a person (referred to in sections 209 and 210 as the “appointed person”) to conduct on its behalf, an assessment of a council's performance—

- (a) of functions generally under this Act, or
- (b) of particular functions under this Act,

(not being an assessment which may be conducted under section 208).

Commencement Information

- I1** S. 207 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, [Sch. 1](#)
- I2** S. 207 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)

Assessment of council's decision making

208.—(1) The Department may conduct, or appoint a person (referred to in sections 209 and 210 as the “appointed person”) to conduct on its behalf, an assessment of how a council deals with applications for planning permission, and in particular as to the basis on which determinations have been made, the processes by which they have been made and as to whether they have been made in accordance with the local development plan or in conformity with advice given to the council by the Department.

(2) No such assessment is to have regard to a decision made by a council within the period of one year which immediately precedes the assessment being notified under section 209(1).

Commencement Information

- I3** S. 208 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49, art. 2, Sch. 1](#)
- I4** S. 208 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](#))

Further provision as respects assessment of performance or decision making

209.—(1) Before conducting, or appointing a person to conduct, an assessment under section 207 or 208, the Department is to notify the council of its intention in that regard and as to the intended scope of the assessment; and on making any such appointment, it is to advise the council as to the identity of the appointed person.

(2) Without prejudice to the generality of subsection (1), in determining for the purposes of that subsection the intended scope of an assessment under section 208 the Department may in particular relate its determination to any or all of the following—

- (a) a type of application for planning permission,
- (b) a period of time within which such an application was made, or
- (c) a geographical area.

(3) For the purposes of any assessment conducted under section 207 or 208, the Department or the appointed person may require access at all reasonable times—

- (a) to any premises of the council, and
 - (b) to any document relating to the council which appears to the Department, or as the case may be to the appointed person, to be necessary for the purposes of the assessment.
- (4) As the case may be—

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Part 10. (See end of Document for details)

- (a) the Department may require a person holding or accountable for any such document—
 - (i) to give the Department such information and explanation as it thinks necessary for those purposes, and
 - (ii) to attend in person to give the information or explanation or to produce the document, or
 - (b) the appointed person may require a person so holding or accountable—
 - (i) to give the appointed person such information and explanation as the appointed person thinks necessary for those purposes, and
 - (ii) to attend in person before the appointed person to give the information or explanation or to produce the document.
- (5) The council must provide the Department, or as the case may be, the appointed person, with—
- (a) every facility, and
 - (b) all information,
- which the Department or the appointed person may reasonably require to be provided for the purposes of the assessment.
- (6) The Department or, as the case may be, the appointed person, must—
- (a) give 3 days' notice of any requirement under this section, and
 - (b) if reasonably required to do so by the council, produce a document of identification.

Commencement Information

- I5** S. 209 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49, art. 2, Sch. 1](#)
- I6** S. 209 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](#))

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.

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Part 10. (See end of Document for details)

(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.

(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.

Commencement Information

I7 S. 210 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, [Sch. 1](#)

Changes to legislation: *There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Part 10. (See end of Document for details)*

18 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, Part 10.