



2011 CHAPTER 25

Part 3

Planning control

Duration of planning permission

Procedure for section 68 orders: unopposed cases

71.—(1) This section applies where—

- (a) a council has made an order under section 68; and
- (b) the owner and occupier of the land and all persons who in the opinion of the council will be affected by the order have notified the council in writing that they do not object to the order.

(2) Where this section applies, instead of submitting the order to the Department for confirmation the council must advertise in the prescribed manner the fact that the order has been made, and the advertisement must specify—

- (a) the period within which persons affected by the order may give notice to the Department that they wish for an opportunity of appearing before, and being heard by, the planning appeals commission; and
- (b) the period at the expiration of which, if no such notice is given to the Department, the order may take effect by virtue of this section without being confirmed by the Department.

(3) The council must also serve notice to the same effect on the persons mentioned in subsection (1)(b).

(4) The period referred to in subsection (2)(a) must not be less than 28 days from the date the advertisement first appears.

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 71. (See end of Document for details)

(5) The period referred to in subsection (2)(b) must not be less than 14 days from the expiration of the period referred to in subsection (2)(a).

(6) The council must send a copy of any advertisement published under subsection (2) to the Department not more than 3 days after the publication.

(7) If—

(a) no person claiming to be affected by the order has given notice to the Department under subsection (2)(a) within the period referred to in that subsection, and

(b) the Department has not directed within that period that the order be submitted to it for confirmation,

the order shall take effect at the expiry of the period referred to in subsection (2)(b), without being confirmed by the Department as required by section 70(1).

(8) This section does not apply—

(a) to an order revoking or modifying a planning permission granted by the Department under this Part;

(b) to an order revoking or modifying a planning permission granted by the planning appeals commission under Part 5;

(c) to an order modifying any conditions to which a planning permission is subject by virtue of section 61 or 62.

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)

Commencement Information

I1 S. 71 in operation at 1.2.2015 for specified purposes by [S.R. 2015/25](#), art. 2

I2 S. 71 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/25](#), art. 3

Changes to legislation:

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 71.