

STATUTORY INSTRUMENTS

2003 No. 430 (N.I. 8)

The Planning (Amendment) (Northern Ireland) Order 2003

- - - - - 27th February 2003

Introductory

Title and commencement

- 1.—(1) This Order may be cited as the Planning (Amendment) (Northern Ireland) Order 2003.
- (2) In this Order—
- (a) this Article, Article 2, Articles 27 to 29 and Article 31 come into operation two weeks after the date on which this Order is made;
 - (b) the remaining provisions of this Order come into operation on such day or days as the Department of the Environment may by order appoint^{F1}.
- (3) An order under paragraph (2) may contain such transitional provisions and savings as the Department of the Environment considers appropriate in connection with the order.
- (4) Nothing in any provision of this Order affects the punishment for an offence committed before the provision comes into operation.

F1 partly exercised by SR 2003/188, 443, SR 2004/489, SR 2005/352

Interpretation

- 2.—(1) The Interpretation Act (Northern Ireland) 1954 (c.33) applies to this Order as it applies to an Act of the Assembly.
- (2) In this Order “the principal Order” means the Planning (Northern Ireland) Order 1991 (NI 11).
- (3) This Order shall be construed as one with the principal Order.

New enforcement powers

Planning contravention notices

^{F2}3.

F2 Arts. 3-16 repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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Enforcement of conditions

F24.

F2 [Arts. 3-16](#) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011](#) (c. 25), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Injunctions

F25.

F2 [Arts. 3-16](#) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011](#) (c. 25), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Other changes relating to enforcement

Time limits on enforcement action

F26.

F2 [Arts. 3-16](#) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011](#) (c. 25), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Enforcement notices

F27.

F2 [Arts. 3-16](#) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011](#) (c. 25), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Appeal against enforcement notice

F28.

F2 [Arts. 3-16](#) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011](#) (c. 25), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Offence where enforcement notice not complied with

F29.

F2 [Arts. 3-16](#) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011](#) (c. 25), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Execution of works required by enforcement notice

F210.

F2 [Arts. 3-16](#) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Stop notices

F211.

F2 [Arts. 3-16](#) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Certificate of lawful use or development

F212.

F2 [Arts. 3-16](#) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Rights of entry for enforcement purposes

F213.

F2 [Arts. 3-16](#) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Listed buildings

F214.

F2 [Arts. 3-16](#) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Hazardous substances

F215.

F2 [Arts. 3-16](#) repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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Replacement of trees

^{F2}16.

F2 Arts. 3-16 repealed (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49, art. 3, Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Alteration in penalties

17.—^{F3}(1)

(2) In paragraph (3) of Article 122 of the principal Order (powers of entry) for the words from “on summary conviction” to the end there is substituted

- (a) “(0) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.”.

(3) In paragraph (4) of Article 125 of the principal Order (information as to estates in land) for the words from “on summary conviction” to the end there is substituted

- (a) “(0) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.”.

F3 [Art. 17\(1\)](#) repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49, art. 3, Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Control over development

Demolition

^{F4}18.

F4 [Arts. 18-30](#) repealed (1.4.2015 except for the repeal of arts. 27(b), 28) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49, art. 3, Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Reversion to previous lawful use

^{F4}19.

F4 [Arts. 18-30](#) repealed (1.4.2015 except for the repeal of arts. 27(b), 28) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49, art. 3, Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Power of Department to decline to determine applications

^{F4}20.

- F4** Arts. 18-30 repealed (1.4.2015 except for the repeal of arts. 27(b), 28) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); 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 environmental effects

F4 21.

- F4** Arts. 18-30 repealed (1.4.2015 except for the repeal of arts. 27(b), 28) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Dismissal of appeals in cases of undue delay

F4 22.

- F4** Arts. 18-30 repealed (1.4.2015 except for the repeal of arts. 27(b), 28) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Planning agreements

F4 23.

- F4** Arts. 18-30 repealed (1.4.2015 except for the repeal of arts. 27(b), 28) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Control over particular matters

Advertisements

F4 24.

- F4** Arts. 18-30 repealed (1.4.2015 except for the repeal of arts. 27(b), 28) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Building preservation notices

F4 25.

- F4** Arts. 18-30 repealed (1.4.2015 except for the repeal of arts. 27(b), 28) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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Trees

^{F4}26.

F4 Arts. 18-30 repealed (1.4.2015 except for the repeal of arts. 27(b), 28) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Regional development strategy

Certain policies, plans and schemes under the principal Order to be in general conformity with the regional development strategy

27. In each of the following provisions of the principal Order —

^{F4}(a)

(b) Article 4(1A) (development plan for an area to be consistent with the regional development strategy); and

^{F4}(c)

for the words “consistent with” there is substituted “ in general conformity with ”.

F4 Arts. 18-30 repealed (1.4.2015 except for the repeal of arts. 27(b), 28) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Development plans: statement as to general conformity with the regional development strategy

28.—(1) The following provisions of this Article apply where the Department of the Environment proposes to make, alter or replace a development plan for an area under Part III of the principal Order; and references in those provisions to Articles are to Articles in that Part.

(2) Not later than the beginning of the period of 28 days immediately before it proposes to make copies of the relevant documents available for inspection in accordance with Article 5(4) or (as the case may be) Article 6(3), the Department of the Environment shall send a copy of those documents to the Department for Regional Development.

(3) The Department for Regional Development shall consider the documents received by it under paragraph (2) and within the period of 28 days beginning with the day on which it received those documents shall—

(a) determine whether in its opinion the relevant plan is in general conformity with the regional development strategy; and

(b) give the Department of the Environment a statement in writing which—

(i) sets out that opinion; and

(ii) if that opinion is to the effect that the relevant plan is not in general conformity with the regional development strategy, gives the reasons for that opinion.

(4) The Department of the Environment shall make copies of any statement received under paragraph (3) available for inspection under Article 5(4) or (as the case may be) Article 6(3) together with copies of the relevant documents.

(5) A statement to which paragraph (3)(b)(ii) applies shall be treated for all purposes as an objection duly made by the Department for Regional Development within the prescribed period referred to in Article 5(5) or (as the case may be) Article 6(4).

(6) Not later than the beginning of the period of 28 days immediately before it proposes to make an order under Article 8(1) adopting a plan, alteration or replacement plan, the Department of the Environment shall send to the Department for Regional Development a copy of—

- (a) the draft order; and
- (b) the plan, alteration or replacement plan to which the order relates.

(7) The Department for Regional Development shall consider the documents received by it under paragraph (6) and within the period of 28 days beginning with the day on which it received those documents shall—

- (a) determine whether in its opinion the relevant plan is in general conformity with the regional development strategy; and
- (b) give the Department of the Environment a statement in writing which—
 - (i) sets out that opinion; and
 - (ii) if that opinion is to the effect that the relevant plan is not in general conformity with the regional development strategy, gives the reasons for that opinion.

(8) The Department of the Environment shall consider any statement received under paragraph (7) before making an order under Article 8(1).

(9) In this Article “the relevant plan” means—

- (a) where the Department proposes to make a development plan, the plan proposed to be made;
- (b) where the Department proposes to alter a current development plan, the current plan as proposed to be altered;
- (c) where the Department proposes to replace a current development plan, the plan proposed to replace the current plan.

Modifications etc. (not altering text)

- C1** [Art. 28](#): 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\(2\)](#))

Regional development strategy: transitional arrangements for certain development plans

^{F4}**29.**

- F4** [Arts. 18-30](#) repealed (1.4.2015 except for the repeal of arts. 27(b), 28) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), [s. 254\(1\)\(2\)](#), [Sch. 7](#) (with [s. 211](#)); [S.R. 2015/49](#), [art. 3](#), [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), [art. 2](#))

Miscellaneous

Status of development plans

^{F4}**30.**

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- F4** Arts. 18-30 repealed (1.4.2015 except for the repeal of arts. 27(b), 28) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Powers of Department before the acquisition of land for planning purposes

31. After Article 91 of the principal Order (development of land held for planning purposes) there is inserted—

“Powers of Department before the acquisition of land for planning purposes

91A.—(1) Where the Department proposes to acquire land compulsorily for planning purposes it may, at any time after the date of the publication of the notice mentioned in paragraph 2(a) of Schedule 6 to the Local Government Act (Northern Ireland) Act 1972 (as applied by Article 87(3))) in relation to that land—

- (a) enter into an agreement with any person for securing the disposal of the land (in accordance with Article 90) after that land has been acquired for planning purposes;
- (b) exercise the power under paragraph (2) of Article 91 in relation to the land as if the land were land to which that Article applies.”.

Planning Appeals Commission

F532.

- F5** Arts. 32-35 repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Grants for research and bursaries

F533.

- F5** Arts. 32-35 repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Grants to bodies providing assistance in relation to certain development proposals

F534.

- F5** Arts. 32-35 repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Planning register

F535.

F5 Arts. 32-35 repealed (1.4.2015) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 7](#) (with s. 211); S.R. 2015/49, art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Home loss payments following planning blight

36. In Article 30 of the Land Acquisition and Compensation (Northern Ireland) Order 1973 (NI 21) (right to home loss payment)—

(a) after paragraph (3) there is inserted—

“(3AA) For the purposes of this Article a person shall be deemed to have been displaced from a dwelling in consequence of the compulsory acquisition of an interest therein if the acquisition is in pursuance of the service by him of a blight notice, within the meaning of Article 2(2) of the Planning Blight (Compensation) (Northern Ireland) Order 1981, served on or after the date of the coming into operation of Article 36 of the Planning (Amendment) (Northern Ireland) Order 2003.” ;

(b) in paragraph (10), after the word “Article” there is inserted “ except paragraph (3AA) ”.

Article 37—Amendments and repeals

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Schedule 1—Amendments

Schedule 2—Repeals

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Changes and effects yet to be applied to :

- art. 30 repealed by [S.I. 2006/1252 \(N.I.\)](#) art. 4(2)Sch. 5