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

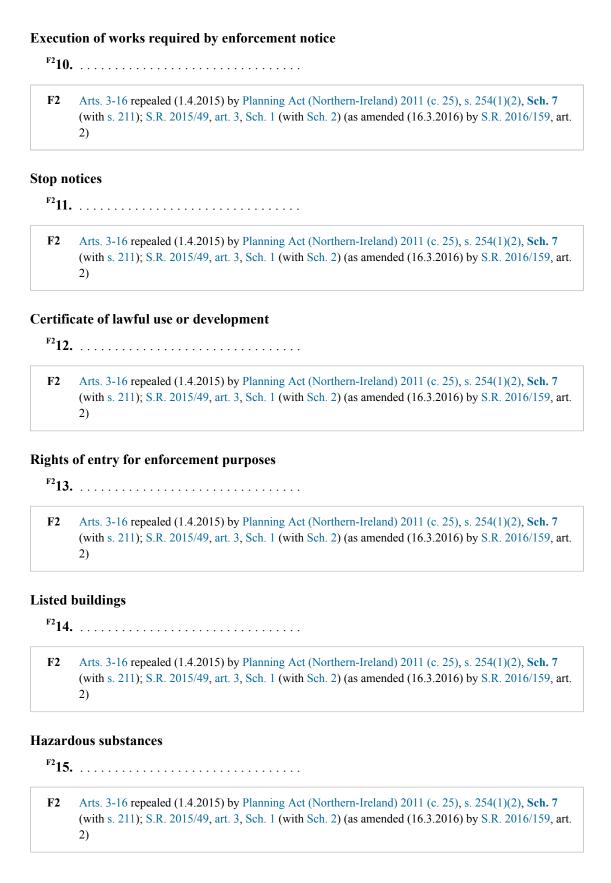
Planning contravention notices

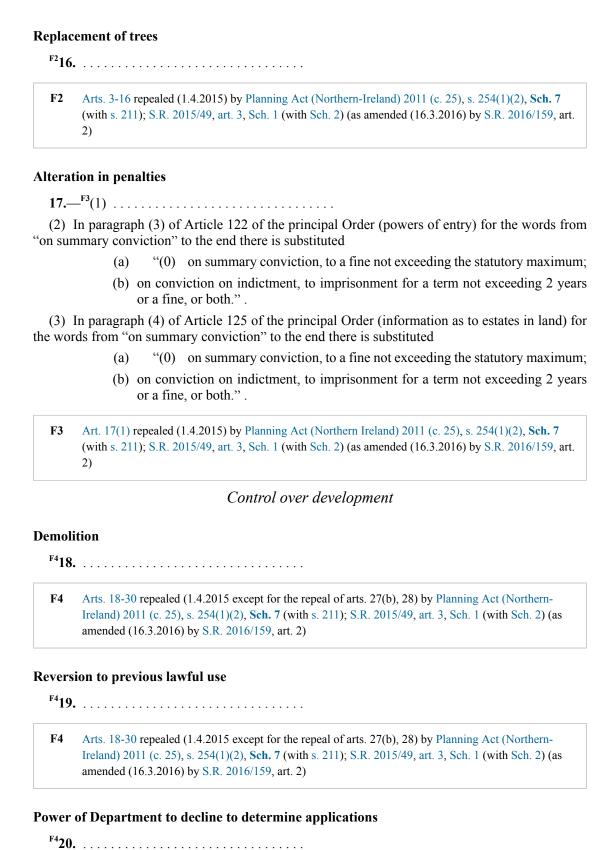
- **2.**—(1) The Interpretation Act (Northern Ireland) 1954 (c.33) applies to this Order as it applies to an Act of the Assembly.
 - (2) In this Order "the principal Order" means the Planning (Northern Ireland) Order 1991 (NI 11).
 - (3) This Order shall be construed as one with the principal Order.

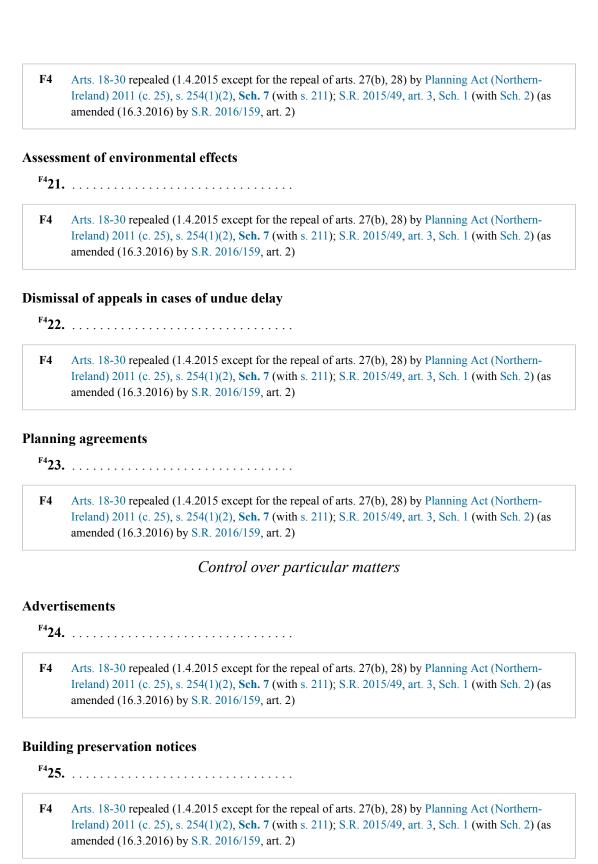
New enforcement powers

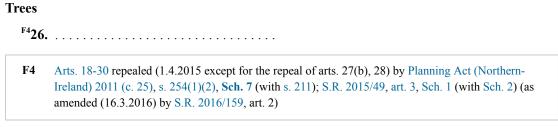
¹² 3.	
F2	Arts. 3-16 repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 7 (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)











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	ng provisions of the principal Order —
^{F4} (a) · · · · · · · · · · · · · · · · · · ·	
(b) Article 4(1A) (deve strategy); and	elopment plan for an area to be consistent with the regional developmen
^{F4} (c) · · · · · · · · · · · · · · · · · · ·	
or the words "consistent wit	h" there is substituted " in general conformity with "

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

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.

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C1	Fications etc. (not altering text) 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))

R	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											
F430.											

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	2.				
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)				

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 pro-	roposals
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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)

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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)
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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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Changes to legislation: The Planning (Amendment) (Northern Ireland) Order 2003 is up to date with all changes known to be in force on or before 21 August 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Schedule 1—Amendments

Schedule 2—Repeals

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The Planning (Amendment) (Northern Ireland) Order 2003 is up to date with all changes known to be in force on or before 21 August 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to:

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