

2011 No. 387

PLANNING

**The Planning (2011 Act) (Transitional Provisions) Order
(Northern Ireland) 2011**

Made - - - - *2nd November 2011*

Coming into operation - *1st December 2011*

The Department of the Environment, in exercise of the power conferred by section 251(2) of the Planning Act (Northern Ireland) 2011(a), makes the following Order.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Planning (2011 Act) (Transitional Provisions) Order (Northern Ireland) 2011 and shall come into operation on 1st December 2011.

(2) In this Order—

“the 1991 Order” means the Planning (Northern Ireland) Order 1991(b)

“the 2011 Act” means the Planning Act (Northern Ireland) 2011.

Transitional arrangements for certain time periods in relation to enforcement

2.—(1) Subsections (1) and (2) of section 248 of the 2011 Act do not apply to a notice issued under Article 23 of the 1991 Order before the coming into operation of those subsections.

(2) Subsection (3) of section 248 of the 2011 Act does not apply to any enforcement action taken before the coming into operation of that subsection and, for the purposes of this paragraph, “enforcement action” has the same meaning as it has in Article 67A of the 1991 Order.

(3) Subsection (4) of section 248 of the 2011 Act does not apply to any temporary stop notice a copy of which has been first displayed as mentioned in Article 67E(6) of the 1991 Order before the coming into operation of that subsection.

(4) Subsection (5) of section 248 of the 2011 Act does not apply to a stop notice served under Article 73 of the 1991 Order before the coming into operation of that subsection.

(5) Subsection (6) of section 248 of the 2011 Act does not apply to a notice served under Article 82(1) of the 1991 Order before the coming into operation of that subsection.

(6) Where an application under Article 83A(1) of the 1991 Order was made before the coming into operation of section 248(3) of the 2011 Act, the uses or operations to which the application relates are lawful—

(a) if no enforcement action may be taken in respect of them—

(a) 2011 c. 25 (N.I.)

(b) 1991/1220 (N.I.11) as amended by S.I. 2003/430 (N.I.8), S.I. 2006/1252 (N.I.7) and 2011 c. 25 (N.I.)

- (i) within the time specified in Article 67B of the 1991 Order as that Article had effect before the coming into operation of section 248(3) of the 2011 Act; or
 - (ii) because they do not involve development or do not require planning permission or for any other reason; and
- (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(7) Where an application under Article 83A(1) of the 1991 Order was made before the coming into operation of section 248(3) of the 2011 Act, any other matter to which the application relates is lawful if —

- (a) the time specified for taking enforcement action in respect of that matter in Article 67B of the 1991 Order as that Article had effect before the coming into operation of section 248(3) of the 2011 Act has expired; and
- (b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

Sealed with the Official Seal of the Department of the Environment on 2nd November 2011



Maggie Smith
A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional provisions in connection with the commencement of section 248 of the Planning Act (Northern Ireland) 2011 which amends the time periods for enforcement under the Planning (Northern Ireland) Order 1991.

Article 1 provides for the citation and commencement of the Order and defines terms used in the Order.

Article 2 sets out how enforcement cases will be handled by the Department where enforcement action has been initiated under the 1991 Order at the time the new periods are introduced.

The Explanatory Memorandum is available alongside the Order on the government's legislation website www.legislation.gov.uk

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