
STATUTORY INSTRUMENTS

2003 No. 430

The Planning (Amendment) (Northern Ireland) Order 2003

New enforcement powers

Planning contravention notices

3. In Part VI of the principal Order (enforcement) before Article 68 there is inserted—

“Planning contravention notices

Power to require information about activities on land

67C.—(1) Where it appears to the Department that there may have been a breach of planning control in respect of any land, it may serve notice to that effect (referred to in this Order as a “planning contravention notice”) on any person who—

- (a) is the owner or occupier of the land or has any other estate in it; or
- (b) is carrying out operations on the land or is using it for any purpose.

(2) A planning contravention notice may require the person on whom it is served to give such information as to—

- (a) any operations being carried out on the land, any use of the land and any other activities being carried out on the land; and
- (b) any matter relating to the conditions or limitations subject to which any planning permission in respect of the land has been granted,

as may be specified in the notice.

(3) Without prejudice to the generality of paragraph (2), the notice may require the person on whom it is served, so far as he is able—

- (a) to state whether or not the land is being used for any purpose specified in the notice or any operations or activities specified in the notice are being or have been carried out on the land;
 - (b) to state when any use, operations or activities began;
 - (c) to give the name and address of any person known to him to use or have used the land for any purpose or to be carrying out, or have carried out, any operations or activities on the land;
 - (d) to give any information he holds as to any planning permission for any use or operations or any reason for planning permission not being required for any use or operations;
 - (e) to state the nature of his estate (if any) in the land and the name and address of any other person known to him to have an estate in the land.
- (4) A planning contravention notice may give notice of a time and place at which—

- (a) any offer which the person on whom the notice is served may wish to make to apply for planning permission, to refrain from carrying out any operations or activities or to undertake remedial works; and
 - (b) any representations which he may wish to make about the notice,
- will be considered by the Department, and the Department shall give him an opportunity to make in person any such offer or representations at that time and place.
- (5) A planning contravention notice must inform the person on whom it is served—
 - (a) of the likely consequences of his failing to respond to the notice and, in particular, that enforcement action may be taken; and
 - (b) of the effect of Article 67(5)(b) of the [Planning \(Northern Ireland\) Order 1972 \(NI 17\)](#).
 - (6) Any requirement of a planning contravention notice shall be complied with by giving information in writing to the Department.
 - (7) The service of a planning contravention notice does not affect any other power exercisable in respect of any breach of planning control.
 - (8) In this Article references to operations or activities on land include operations or activities in, under or over the land.

Penalties for non-compliance with planning contravention notice

- 67D.**—(1) If, at any time after the end of the period of 21 days beginning with the day on which a planning contravention notice has been served on any person, he has not complied with any requirement of the notice, he shall be guilty of an offence.
- (2) An offence under paragraph (1) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that paragraph by reference to any period of time following the preceding conviction for such an offence.
 - (3) It shall be a defence for a person charged with an offence under paragraph (1) to prove that he had a reasonable excuse for failing to comply with the requirement.
 - (4) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
 - (5) If any person—
 - (a) makes any statement purporting to comply with a requirement of a planning contravention notice which he knows to be false or misleading in a material particular; or
 - (b) recklessly makes such a statement which is false or misleading in a material particular,he shall be guilty of an offence.
 - (6) A person guilty of an offence under paragraph (5) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.