
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 387

The Planning (2011 Act) (Transitional Provisions) Order (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—
 - (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.