

# Enforcement

## Practice Note 2

PRACTICE NOTE

02

### Legislative Framework

October 2016



Department for

**Infrastructure**

An Roinn

**Bonneagair**

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## Preamble

This Enforcement Practice Note sets out the legislative framework for planning enforcement in Northern Ireland. It forms part of a series of new practice notes stemming from **the Planning Act (Northern Ireland) 2011 [the 2011 Act]** and any related subordinate legislation. The emphasis is very much on advice but where explicit legislative requirements must be followed these will be made clear.

Where appropriate this practice note will therefore highlight:

- relevant legislation;
- procedural guidance;
- definitions; and
- best practice examples / relevant case law.

This practice note is not intended to replace the need for judgement by planning officers and those involved in planning enforcement. Nor is it intended to be a source of definitive legal advice. Reference should be made to the actual legislation referred to in this document and if any discrepancy or conflict exists between this Enforcement Practice Note and legislation, the provisions of the legislation will prevail.

It is important to note that councils have the primary responsibility for exercising the function of planning enforcement in their given administrative area.

*Please ensure you are considering the most up to date version of this Enforcement Practice Note.*

## **1.0 Introduction**

- 1.1 Enforcement is an integral part of the planning system, which exists to secure the orderly and consistent development of land whilst furthering sustainable development and improve well being. Under the 2011 Act, enforcement powers within the Planning (Northern Ireland) Order 1991 have been largely revoked, re-enacted and transferred to district councils.
- 1.2 A council is the planning authority primarily responsible for enforcement of breaches of planning control within its given administrative area. The 2011 Act provides a council with the primary power to take enforcement action, where it considers it expedient to do so, having regard to the provisions of the local development plan and to any other material considerations. Enforcement is essentially regulatory in nature and many breaches of planning control are remedied with the co-operation of those responsible for the breach and without the need for formal enforcement action, including court proceedings.

## **2.0 Legislative context**

- 2.1 The 2011 Act is the key piece of primary planning legislation in Northern Ireland. The main enforcement powers available to a council are contained within the 2011 Act.
- 2.2 The purpose of the planning enforcement provisions in the 2011 Act are to ultimately protect the integrity of the planning system and development management process, by enabling a council to remedy harm resulting from unauthorised development. Whether to take enforcement action and, if so, what action is best suited to the particular circumstances, are matters for the relevant planning authority to decide<sup>1</sup>. Annex A contains an overview guide with regard to a council's primary enforcement powers.

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<sup>1</sup> Councils must also ensure they comply with the requirements of EU Directives and their transposition into Northern Ireland law (The Planning (Environmental Assessment) Regulations (Northern Ireland) 2015 and the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995).

### 3.0 Primary enforcement powers of a council

#### Enforcement action

#### 3.1 *Completion notice:*

**Section 64** of the 2011 Act allows a council to serve a completion notice to require a development, which has a time limit condition<sup>2</sup> and which has been begun, to be completed. The planning permission will cease to have effect at the end of a period specified in the completion notice. The period specified must be at least 12 months after the notice takes effect and a completion notice can be withdrawn by a council if appropriate. Completion notices issued by a council under **section 64** must be confirmed by the Department before they take effect under **section 65** of the 2011 Act. Prior to confirming the notice **Section 65(3)** requires the Department to provide anyone on whom the notice was served and the council an opportunity to be heard by the Planning Appeals Commission. Once it takes effect the planning permission expires at the end of the period allowed for the developer's completion.

#### 3.2 *Temporary stop notice:*

**Sections 135 and 136** of the 2011 Act deals with the issuing, serving and restrictions of a temporary stop notice, while **section 137** sets out the offences a person or persons will commit if they contravene a temporary stop notice.

3.3 **Section 135** of the 2011 Act enables a council to issue and serve a temporary stop notice to halt a breach of planning control when it is expedient that the activity is stopped immediately. A council has 28 days to decide whether further enforcement action is appropriate and what that action should be, without the breach intensifying by being allowed to continue. A temporary stop notice enables a council to prevent a continuing breach of planning control at an early stage without first having to issue an enforcement notice.

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<sup>2</sup> Section 61 of the 2011 Act covers duration of planning permission. Section 61(2) highlights that if there is no condition as required by 61(1) then it shall be deemed to be granted subject to the condition that the development must begun within five years.

- 3.4 Under **Section 135(1)** of the 2011 Act temporary stop notices issued and served under **section 135** do not prohibit a person from continuing to use any building, caravan or other structure situated on land to which the temporary stop notice relates as that person's permanent residence. A temporary stop notice does not prohibit other activities which the Department can specify in regulations. They cannot be issued for development or activities where the time limits for enforcement have passed (**section 136(2)**). However, section 136 (2) does not prevent a temporary stop notice prohibiting activity consisting of or incidental to buildings, engineering, mining or other operations or the deposit of refuse or waste materials (**section 136(3)**)<sup>3</sup>. Only one notice can be issued for an activity unless some other enforcement action is taken. A copy of the Temporary Stop Notice **must** be displayed on the land.
- 3.5 Under **section 137** of the 2011 Act it is an offence for any person to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on that person. A person convicted of an offence under section 137 will be liable on summary conviction to a fine not exceeding £100,000 or on conviction on indictment to a fine.
- 3.6 *Enforcement notice:*  
**Section 138** of the 2011 Act provides a council with the legislative authority to issue and serve an enforcement notice where it appears to it that there has been a breach of planning control and that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations. An enforcement notice must be served within defined time periods on the owner or occupier of the land to which the notice relates and on any other person with an estate in the land i.e. not more than 28 days after its date of issue and not less than 28 days before the date specified in it as the date on which it is to take effect. Under **Section 147** it is an offence not

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<sup>3</sup> Councils must comply with the requirements of EU Directives and their transposition into Northern Ireland law (The Planning (Environmental Assessment) Regulations (Northern Ireland) 2015 and the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995).

to comply with the requirements of the enforcement notice within the period specified.

3.7 *Power to vary and withdraw an enforcement notice:*

**Section 141** of the 2011 Act allows for the withdrawal or variation of an enforcement notice by a council without prejudice to its powers to issue and serve a further notice.

3.8 *Stop notice:*

**Section 150** of the 2011 Act enables a council to serve a stop notice which can prohibit almost immediately any activity to which the related enforcement notice refers. A stop notice can only be served at the same time or after an enforcement notice is served and when the council considers it expedient that any relevant activity should be stopped before the expiry of the period to comply with an enforcement notice. It must refer to the enforcement notice to which it relates and must have a copy of that notice attached to it. A stop notice cannot be served independently or where the enforcement notice has taken effect. A stop notice will not take effect until such date as it may specify. It is an offence to contravene a stop notice after it has been served and the maximum level of fine is £100,000 on summary conviction or a fine on conviction on indictment. The courts are required to take account of any financial benefits which has accrued or which appear likely to accrue as a result of the offence. The council can at any time withdraw a stop notice, without prejudicing its power to serve another.

3.9 *Breach of condition notice:*

**Section 152** of the 2011 Act provides a council with the legislative authority to serve a breach of condition notice where a condition has been breached. Non-compliance with a breach of condition notice within the specified time period is an offence and the person responsible shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale which is currently £1000.

### 3.10 *Fixed penalty notice:*

**Sections 153 and 154** of the 2011 Act enables an authorised officer of a council to serve a fixed penalty notice for the offences of failure to comply with an Enforcement Notice or Breach of Condition Notice respectively. A Fixed Penalty Notice offers a person who has committed an offence the opportunity of discharging liability to conviction for that offence by payment of a fixed penalty. The amount of the fixed penalty is such amount as prescribed in regulations, but if payment is made to the council within 14 days the fixed penalty payable is reduced by 25%<sup>4</sup>.

### 3.11 *Injunctions:*

**Section 156** of the 2011 Act gives a council the power to apply to the courts for an injunction to restrain any **actual** or **apprehended** breach of planning control when the council considers it necessary or expedient. The power to apply to the courts for an injunction to restrain any acknowledged or apprehended contravention also applies in relation to unauthorised demolition or works to a listed building or failing to comply with any condition attached to a listed building consent, contravention of a tree preservation order and certain acts in respect of trees in a conservation area; or, any actual or apprehended contravention of hazardous substances control. **Section 76(6)** allows a council to seek an injunction regarding a restriction or requirement imposed under a planning agreement.

### 3.12 *Listed building enforcement notice:*

**Section 157** of the 2011 Act provides a council with the legislative authority to issue and serve a listed building enforcement notice where it appears that unauthorised works have been or are being executed to a listed building, without listed building consent, and that it is considered expedient to issue such a notice having regard to the effect of the works on the character of the building as one of special architectural or historic interest. A listed building enforcement notice can be also issued and served if conditions associated

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<sup>3</sup> Amount of fixed penalty for the purposes of section 153(9) and 154(9) of the 2011 Act, is as prescribed in The Planning (Amount of Fixed Penalty) Regulations (Northern Ireland) 2015.

with an LBC are not being adhered to. The enforcement notice must set out the steps to be taken to remedy the breach and the timeframe allowed.

3.13 *Power to vary and withdraw a listed building enforcement notice:*

**Section 141 by virtue of Section 157 (6)** of the 2011 Act allows the withdrawal or variation of a listed building enforcement notice by a council without prejudice to their power to issue and serve a further notice.

3.14 *Conservation area enforcement notice:*

**Section 157 of the 2011 Act as modified by Regulation 15 and Schedule 2 of the Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015**, provides a council with the legislative authority to issue and serve a conservation area enforcement notice where it appears that unauthorised works have been or are being executed to a building in a conservation area, without conservation area consent, and that it is considered expedient to issue such a notice having regard to the effect of the works on the character or appearance of the conservation area in which the building is situated. A conservation area enforcement notice can be also issued and served if conditions associated with the conservation area consent are not being adhered to. The enforcement notice must set out the steps to be taken to remedy the breach and the timeframe allowed.

3.15 *Power to vary and withdraw a conservation area enforcement notice:*

**Section 141 by virtue of reference to section 157(6) of the 2011 Act as modified by Regulation 15 and Schedule 2 of the Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015** allows the withdrawal or variation of a conservation area enforcement notice by a council without prejudice to their power to issue and serve a further notice.

3.16 *Issuance and Variation of a hazardous substances contravention notice:*

**Sections 162 and 163** of the 2011 Act allows a council to issue and serve a hazardous substances contravention notice, where it appears that there is or has been a contravention of hazardous substances control and it is expedient

to issue the notice. Service requirements and specifics to be contained within the notice are set out in section 162. A notice can be withdrawn at any time before or after it takes effect without prejudice to its power to issue and serve another. Under **Section 162(10) and (12)** the Department has made regulations<sup>5</sup> to cover appeals and the specific requirement of a hazardous substance contravention notice. **Section 163** allows a council to vary a notice which it has already issued and served, regardless of whether the notice has taken effect.

3.17 *Protection of trees subject to a Tree Preservation Order:*

**Section 164** of the 2011 Act allows a council to enforce the duty to replace trees subject to a Tree Preservation Order. A council may serve a notice if it appears that the provisions of **Section 125** (i.e. the replacement of trees subject to a Tree Preservation Order) or any conditions of a consent given under a tree preservation order are not being complied with for any tree / trees in its district. Such a notice can only be served within 5 years from the date of the alleged failure to comply with the provisions of section 125 or the conditions of the consent. The notice must specify a period at the end of which it takes effect and this is to be no less than 28 days beginning with the date of the notice being served. **Section 165** sets out specific grounds and methods of appeal against enforcement notices issued under section 164 in relation to trees. Any person who contravenes a tree preservation order shall be guilty of an offence and will be liable to a fine in accordance with under **Section 126**.

3.18 *Notice to replant a tree / trees in conservation areas:*

**Section 167** of the 2011 Act places a duty on an owner of land to replace trees that are removed in a conservation area. **Section 164** allows a council to enforce the duty to replace trees in conservation areas. A council may serve a notice if it appears that an owner does not replace trees removed in a conservation area, within 5 years from the date of the alleged removal of the tree / trees. The notice must specify a period at the end of which it takes effect

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<sup>5</sup> The Planning (Hazardous Substances) (No 2) Regulations (Northern Ireland) 2015.

and this is to be no less than 28 days beginning with the date of the notice being served. Any person who contravenes a notice to replant a tree / trees in a conservation area shall be guilty of an offence and will be liable to a fine in accordance with **section 126**.

### 3.19 *Advertisement control:*

**Section 175** of the 2011 Act allows a council to deal with enforcement of advertisement control. On conviction for display of an advertisement contravening regulations made under **section 130** (i.e. control of advertisements), a person is liable to a fine not exceed level 4 of the standard scale (£2500). In the case of a continuing offence, the fine will not exceed one tenth of level 4 (£25) for each day during which the offence continues after conviction. The defendant may be a landowner / occupier or those whose advertisement is being displayed.

#### Powers to acquire information

### 3.20 *Planning contravention notice:*

**Section 133** of the 2011 Act empowers a council to request additional information about activities on land where it suspects a breach of planning control has occurred. This encourages dialogue with any persons thought to be in breach of planning control and to secure their co-operation in taking corrective action. Under **Section 134**, failure to comply with a planning contravention notice within 21 days, which may require the person on whom it is served to give the required information, is an offence. A person guilty of this offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5000). To make a false or misleading statement (either intentionally or recklessly) in response to a planning contravention notice is also an offence with the same level of fine possible on conviction.

### 3.21 *Submission notice:*

**Section 43** of the 2011 Act provides a council with the legislative authority to issue a submission notice requiring a retrospective planning application to be

submitted within 28 days from the service of the notice, where it appears that a development has been carried out without planning permission. The notice must be served within 5 years of the date upon which the development was begun. It is an offence not to comply with the notice in the time specified in the notice. A person guilty of this offence, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000). If following conviction an application is not made the person is guilty of a further offence and shall be liable on summary conviction to a fine not exceeding one tenth of level 3 on the standard rate (£100) for each day following the first conviction on which the offence continues.

### 3.22 *Information as to estates in land:*

For the purpose of enabling a council to make an order or issue or serve a notice or other document, **section 240** of the 2011 Act gives a council the authority to serve a notice in writing, requiring the submission of certain information regarding the ownership or the use of premises within 21 days of serving the notice or a longer period if specified on the notice. A person who fails to provide the information requested within the period specified and the person shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000). The giving of false information knowingly is also an offence and the person shall be liable on summary conviction to a fine not exceeding the statutory maximum; on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or both.

#### Other powers

### 3.23 *Rights to enter land without warrant, under warrant and supplementary provisions:*

**Section 176** of the 2011 Act allows a person duly authorised in writing by a council to enter land without a warrant to carry out enforcement functions under the Act. **Section 177** provides that if entry to land has been refused or if the case is urgent a council can obtain a warrant to enter the land. **Section 178** covers administrative arrangements for the entering of land either with or

without a warrant and includes offence provisions e.g. an offence of wilfully obstructing the entry of authorised persons and any persons guilty of such an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000).

3.24 *Execution and cost of works required by an enforcement notice:*

**Section 146** of the 2011 Act gives a person authorised in writing by the council the authority to enter onto land, following non-compliance with an enforcement notice, to carry out remedial work required by the notice. A council may also recover from the landowner any expenses reasonably incurred by them in that behalf. It is an offence, punishable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000), to wilfully obstruct anyone authorised to carry out remedial works.

3.25 *Execution and cost of works required by a listed building enforcement notice:*

**Section 146 by virtue of reference to section 157(6) of the 2011 Act** gives a person authorised in writing by the council the authority to enter onto land, following non-compliance with a listed building enforcement notice, to carry out remedial work required by the notice. A council may also recover from the landowner any expenses reasonably incurred by them on that behalf. It is an offence, punishable on summary conviction to a fine not exceeding £1000, to wilfully obstruct anyone authorised to carry out remedial works.

3.26 *Execution and cost of works required by a conservation area enforcement notice:*

**Section 146 by virtue of reference to section 157(6) of the 2011 Act as modified by Regulation 15 and Schedule 2 of the Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015** gives an person authorised in writing by the council the authority to enter onto land, following non compliance with a conservation area enforcement notice, to carry out remedial work required by the notice. A council may also recover from the landowner any expenses reasonably incurred by them. It is an offence, punishable on summary conviction to a fine not exceeding level 3 on the

standard schedule (£1000), to wilfully obstruct anyone authorised to carry out remedial works.

3.27 *Execution and recovery of cost for urgent work to preserve a building:*

**Section 161** of the 2011 Act allows a council to carry out and recover costs of urgent works to either a listed building or one which the Department of Communities has directed that this section shall apply in a conservation area. The owners of the building must be given a minimum of 7 days notice in writing of the intention to carry out the works and the notice must describe the works to be carried out. The urgent works notice (UWN) issued to the owner can be appealed to the Planning Appeals Commission within 28 days of the service of the notice under grounds specified in section 161 (9)<sup>6</sup>.

3.28 *Execution and recovery of costs required by a hazardous substances contravention notice:*

**Section 146 of the 2011 Act as modified by Regulation 22 and Part 2 and 3 of Schedule 3 of the Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015**, gives a person authorised in writing by the council the authority to enter onto land, following non-compliance with a hazardous substances contravention notice, to carry out remedial work required by the notice. A council may also recover from the landowner any expenses reasonably incurred by them in that behalf. It is an offence, punishable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000), to wilfully obstruct anyone authorised to carry out remedial works.

3.29 *Execution and recovery of cost for the replanting of tree / trees subject to a Tree Preservation Order:*

**Section 166** of the 2011 Act allows a council to enter onto land to replant trees subject to a Tree Preservation Order, and to recover any costs incurred as a civil debt. It is an offence, punishable on summary conviction to a fine not

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<sup>6</sup> Further advice on UWNs has been produced by the Historic Environment Division (HED): Urgent Works Notice - A good practice guide for councils, May 2015.

exceeding level 5 on the standard scale (£1000), to wilfully obstruct anyone authorised to carry out remedial works<sup>7</sup>.

3.30 *Execution and recovery of cost for the replanting of tree / trees in a conservation area:*

**Section 167** of the 2011 Act gives the council the power to enforce with respect to the replanting of trees in conservation areas. Section 167 (1) and (2) state that it shall be the duty of the owner of the land to replant another tree as soon as is reasonable if a tree has been removed, uprooted or destroyed. This would not apply if a council has allowed works to the trees without seeking a replacement after receiving an application from the owner under **Section 127**. Section 167 (3) by virtue of reference to section 164 sets out the enforcement duties for the replacement of trees, and if required the council, by way of section 166 (Execution and costs of works required by section 164), have the power to enter conservation areas and plant those trees as well as undertaking other enforcement as set out in section 166. The council can recover any costs incurred as civil debt. It is an offence, punishable on summary conviction to a fine not exceeding level 3 of the standard scale (£1000), to wilfully obstruct anyone authorised to carry out remedial works.

3.31 *Execution and recovery of costs for work required by a section 73 order:*

**Section 168** of the 2011 Act includes provisions for dealing with the enforcement of orders (issued under section 73) requiring the discontinuance of use or alteration or removal of buildings or works. A council is permitted to enter land and carry out any works required by the order, and recover costs as a civil debt.

## 4.0 Offences under planning law

4.1 It is not an offence to carry out or commit a breach of planning control, that is, to carry out development without planning permission<sup>8</sup>, or fail to comply with

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<sup>7</sup> Section 146 (9) applies to a notice served under Section 164.

any condition or limitation subject to which planning permission has been granted. However, where an enforcement notice or a breach of condition notice is in effect and the offender has not complied with the requirements of the notice, he / she is then guilty of an offence.

- 4.2 There are a number of wide ranging offences in planning law. In a number of cases the offences arise from a breach of planning law ('immediate / direct' offences)<sup>9</sup>. For example, the carrying out of almost any works to a listed building without having obtained consent is a direct offence, as is the unauthorised demolition of a building in a conservation area. The unauthorised storage of hazardous substances, unauthorised works to protected trees and the unauthorised display of advertisements are also direct offences.
- 4.3 **Section 85(1)** of the 2011 Act states, "If a person executes or causes to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, and the works have not been authorised", then it is a criminal offence. It is also a criminal offence by virtue of **Section 85(5)** if a person executing or causing to be executed any works in relation to listed building under a listed building consent fails to comply with any conditions attached to the consent.
- 4.4 **Section 85 of the 2011 Act as modified by Regulation 15 and Schedule 2 of the Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015** makes it a criminal offence if a person executes or causes to be executed any works for the demolition of a building in a conservation area, and the works have not been authorised. It is also a criminal offence if a person executing or causing to be executed any works in relation to building

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<sup>8</sup> Councils must comply with the requirements of EU Directives and their transposition into Northern Ireland law (The Planning (Environmental Assessment) Regulations (Northern Ireland) 2015 and the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995).

<sup>9</sup> The term 'immediate/direct' offence does not have a legislative basis, however for the purposes of the enforcement practice notes, these are offences a council can immediately proceed to prosecute.

in a conservation area consent fails to comply with any conditions attached to the consent.

- 4.5 **Section 117** of the 2011 Act makes it a criminal offence if there is a contravention of hazardous substances control, as specified in legislation, by the appropriate person.
- 4.6 **Section 126 and 127** of the 2011 Act make it a criminal offence if any person in contravention of a tree preservation order, cuts down, uproots or wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it. Furthermore, the same applies to any tree in a conservation area where no tree preservation order is in place.
- 4.7 **Section 175 (2)** of the 2011 Act makes it an offence to display an advertisement in contravention of **The Planning (Control of Advertisement) Regulations (Northern Ireland) 2015**.
- 4.8 In most other cases offences in planning law are ‘indirect’ in that they do not arise from the unauthorised activity itself but from the failure to comply with a notice, which may require the activity to be stopped, unauthorised development to be removed or the activity regularised through an application for planning permission.

## 5.0 Enforcement and Crown Development

- 5.1 Under **section 211** of the 2011 Act, the Crown, including Government Departments and other Crown bodies, is subject to planning law with the exception of enforcement functions covered by **sections 146** (including the section as applied by **section 157(6), 156, 161 and 166**). The Crown requires planning permission or consent in accordance with the 2011 Act and relevant subordinate legislation<sup>10</sup>.

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<sup>10</sup> For further clarification please refer to section 215 in the Explanatory Notes for the Planning Act (Northern Ireland) 2011.

## Annex A Guide to primary enforcement powers of a council

Action	Legislative basis for council
<b>Enforcement Power</b>	
Power to serve a completion notice	<b>Section 64 of the 2011 Act</b>
Power to issue a temporary stop notice	<b>Section 135 of the 2011 Act</b>
Power to issue and serve an enforcement notice	<b>Section 138 of the 2011 Act</b>
Power to vary and withdraw an enforcement notice	<b>Section 141 of the 2011 Act</b>
Power to serve a stop notice	<b>Section 150 of the 2011 Act</b>
Power to serve a breach of condition notice	<b>Section 152 of the 2011 Act</b>
Power to serve a fixed penalty notice	<b>Sections 153 &amp; 154 of the 2011 Act</b>
Power to apply to the courts for an injunction to restrain any actual or apprehended breach of planning control; any actual or apprehended breach of sections 85 (1) or (5) regarding listed buildings, 126 or 127 regarding trees; or, any actual or apprehended contravention of hazardous substances control	<b>Section 156 of the 2011 Act</b>
Apply to courts for an injunction to enforce a restriction or requirement imposed under a planning agreement	<b>Section 76(6) of the 2011 Act</b>
Power to issue and serve a listed building enforcement notice	<b>Section 157 of the 2011 Act</b>
Power to vary and withdraw a listed building enforcement notice	<b>Section 141 (as applied by 157(6) of the 2011 Act)</b>
Power to issue and serve a conservation area enforcement notice	<b>Section 157 of the 2011 Act (as applied by section 105(6)) and modified by Regulation 15 and Schedule 2 of the Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015)</b>
Power to vary and withdraw a conservation area enforcement notice	<b>Section 141 as applied by section 157(6) of the 2011 Act (as applied by section 105(6)) and modified by Regulation 15 and Schedule 2 of the Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland)</b>

	<b>2015)</b>
Power to issue or vary a hazardous substances contravention notice for a contravention of hazardous substances control	<b>Sections 162 &amp; 163 of the 2011 Act</b>
Power to enforce measures in respect of the protection of trees subject to a Tree Preservation Order (i.e. to replant a tree or trees in relation to the Tree Preservation Order)	<b>Section 164 of the 2011 Act</b>
Power to serve a notice to replant a tree or trees of an appropriate size and species at the same place in conservation areas	<b>Section 167 of the 2011 Act</b>
Power to deal with the enforcement of advertisement control	<b>Section 175 of the 2011 Act</b>
<b>Powers to Acquire Information</b>	
Power to issue and serve a submission of planning application notice	<b>Section 43 of the 2011 Act</b>
Power to serve a planning contravention notice	<b>Section 133 of the 2011 Act</b>
Power to request the submission of certain information as to estates in land e.g. regarding the ownership or use of the premises	<b>Section 240 of the 2011 Act</b>
<b>Other Powers</b>	
Rights of entry for enforcement purposes	<b>Sections 176, 177 and 178 of the 2011 Act</b>
Execution of and recovery of cost for work required by an enforcement notice.	<b>Section 146 of the 2011 Act</b>
Execution of and recovery of cost for work required by a listed building enforcement notice.	<b>Section 146 (as applied by 157(6) of the 2011 Act)</b>
Execution of and recovery of cost for urgent work to preserve a building (e.g. listed building or buildings identified by direction by the Department for Communities such as buildings in a conservation area)	<b>Section 161(1) and (2) of the 2011 Act</b>
Execution of and recovery of costs required by a hazardous substances contravention notice	<b>Section 146 of the 2011 Act</b> as modified by Regulation 22 and Part 2 & 3 of Schedule 3 of the Planning (Hazardous Substances) (No. 2)

	Regulations (Northern Ireland) 2015
Execution of and recovery of costs for the replanting of tree / trees subject to a Tree Preservation Order	<b>Section 166 of the 2011 Act</b>
Execution of and recovery of costs for the replanting of tree / trees in a conservation area	<b>Sections 164 and 166 as applied by section 167(3) of the 2011 Act</b>
Execution of and recovery of costs for work required by a Section 73 order (discontinuance order)	<b>Section 168(5) of the 2011 Act</b>



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