STATUTORY RULES OF NORTHERN IRELAND

2003 No. 445

PLANNING

Planning (General Development) (Amendment No. 2) Order (Northern Ireland) 2003

Made - - - -	*9th October 2003*
Coming into operation	*12th November 2003*

The Department of the Environment, in exercise of the powers conferred by Articles 13 and 83C of the Planning (Northern Ireland) Order 1991(**1**) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Planning (General Development) (Amendment No. 2) Order (Northern Ireland) 2003 and shall come into operation on 12th November 2003.

Amendment of the Planning (General Development) Order (Northern Ireland) 1993

2.—(1) The Planning (General Development) Order (Northern Ireland) 1993(**2**) shall be amended in accordance with paragraphs (2) to (4).

(2) For Article 10 substitute the following: –

"**Certificate of lawfulness of existing use or development and certificate of lawfulness of proposed use or development**

10.—(1) An application to the Department for a certificate under Article 83A(1) or 83B(1) of the 1991 Order (certificates of lawfulness of existing or proposed use or development respectively) shall be made on a form issued by the Department and shall, in addition to specifying the land and describing the use, operations or other matter in question in accordance with those Articles, include the following information -

(a) the paragraph of Article 83A(1) or, as the case may be, Article 83B(1), under which the application is made;

(**1**) S.I.1991/1220 (N.I. 11) as amended by S.I. 2003/430 (N.I. 8)
(**2**) S.R. 1993 No. 278

(b) in the case of an application under Article 83A(1), the date on which the use, operations or other matter began or, in the case of operations carried out without planning permission, the date on which the operations were substantially completed;

(c) in the case of an application under Article 83A(1)(a), the name of any use class specified in an order under Article 11(2)(e) of the 1991 Order (meaning of "development") which the applicant considers applicable to the use existing at the date of the application;

(d) in the case of an application under Article 83A(1)(c), sufficient details of the planning permission to enable it to be identified;

(e) in the case of an application under Article 83B(1)(a), the use of the land at the date of the application (or, when the land is not in use at that date, the purpose for which it was last used) and the name of any use class specified in an order under Article 11(2)(e) of the 1991 Order which the applicant considers applicable to the proposed use;

(f) the applicant's reasons, if any, for regarding the use, operations or other matter described in the application as lawful; and

(g) such other information as the applicant considers to be relevant to the application.

(2) An application to which paragraph (1) applies shall be accompanied by –

(a) a plan sufficient to identify the land to which the application relates;

(b) such evidence verifying the information included in the application as the applicant can provide; and

(c) a statement setting out the applicant's estate in the land, the name and address of any other person known to the applicant to have an estate in the land and whether any such other person has been notified of the application.

(3) Where such an application specifies two or more uses, operations or other matters, the plan which accompanies the application shall indicate to which part of the land each such use, operation or matter relates.

(4) The Department may by notice in writing require the applicant to provide such further information as may be specified to enable it to deal with the application.

(5) Where an application is refused, in whole or in part, (including a case in which the Department modifies the description of the use, operations or other matter in the application, or substitutes an alternative description for that description), the notice of decision shall state the Department's full reason for its decision and shall include a statement to the effect that if the applicant does not accept the Department's decision he may appeal to the Planning Appeals Commission under Article 83E of the 1991 Order.

(6) A certificate under Article 83A or 83B of the 1991 Order shall be in a form set out in Schedule 3A.

(7) Where the Department proposes to revoke a certificate issued under Article 83A or 83B of the 1991 Order in accordance with Article 83C(7) (certificates under Articles 83A and 83B: supplementary provisions), it shall, before it revokes the certificate, give notice of that proposal to –

(a) the owner of the land affected;

(b) the occupier of the land affected;

(c) any other person who will in its opinion be affected by the revocation; and

(d) in the case of a certificate issued under Article 83E of the 1991 Order, the Planning Appeals Commission.

(8) A notice issued under paragraph (6) shall invite the person on whom the notice is served to make representations on the proposal to the Department within 14 days of service of the notice and the Department shall not revoke the certificate until all such periods allowed for making representations have expired.

(9) The Department shall give written notice of any revocation under Article 83C of the 1991 Order to every person on whom notice of the proposed revocation was served under paragraph (6).".

(3) In Article 13, omit paragraph (b).

(4) After Schedule 3 insert the following: –