

Planning Enforcement Strategy

April 2026



Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**

**Newry, Mourne
and Down**

District Council

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1.0 Introduction

Under the provisions of the Planning Act (Northern Ireland) 2011 the Council has a general discretion to take enforcement action against a breach of planning control when it regards it expedient to do so, having regard to the provisions of the local development plan and any other material considerations.

The Council is committed to resolving unauthorised development, including any consequent enforcement action, in accordance with the provisions of this strategy detailed below.

2.0 Objectives of Planning Enforcement

The Council's key objectives for planning enforcement are:

- To resolve valid enforcement complaints informally;
- To bring unauthorised activity under control;
- To remedy the undesirable effects of unauthorised development including, where necessary, the removal or cessation of unacceptable development;
- To take legal action, where necessary against those who ignore or flout planning legislation; and
- To operate in an equitable, proportionate and consistent manner.

The Council is committed to securing these objectives in order to ensure that the credibility and integrity of the planning system is not undermined.

3.0 What is a breach of Planning Control?

Planning breach

The Planning Act (Section 131 (1)) defines a breach of planning control as:

- Carrying out development without the required planning permission; or
- Failing to comply with any condition or limitation subject to which planning permission has been granted

What constitutes formal enforcement action?

The Planning Act (Section 131 (2)) states that the following constitutes taking enforcement action:

- a) the issue of an enforcement notice; or
- b) the service of a breach of condition notice.

Planning offences

It is not a criminal offence to carry out development without planning permission or failing to comply with 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 requirements of the notice have not been complied with, the owner of the land shall be guilty of an offence. Additionally, a person carrying on an activity prevented by the notice shall be guilty of an offence¹.

Planning offences² are specific offences under the Planning Act and associated regulations, namely:

- (a) unauthorised works to, or failing to comply with any conditions attached to, a listed building;
- (b) demolition within, or failing to comply with any conditions attached to, a

¹ Known as 'indirect offences'.

² Known as 'direct offences'. for the purposes of this Enforcement Strategy, these are offences the council can immediately proceed to prosecute.

Conservation Area without consent;

- (c) contravention of a Tree Preservation Order;
- (d) wilfully damaging or carrying out works to trees within a Conservation Area without prior consent;
- (e) contravention of hazardous substances control; and
- (f) unauthorised display of advertisements.

Penalties

In relation to failure to comply with an enforcement notice, on conviction the owner and/or any person with an interest in the land may be fined a maximum of £100,000. The Council will also be able to recover the legal costs of the enforcement action.

4.0 Guiding Principles for Investigating Enforcement Complaints

Alleged breaches of planning control will be investigated in accordance with the procedure set out in section 5.0 below. Anonymous enforcement complaints will only be investigated where it is demonstrated that the alleged breach is causing immediate risk, public danger or significant environmental harm.

On the basis of the legal test of 'expediency', formal enforcement action will only be taken where it is fair and reasonable to do so. Any enforcement action should be proportionate to the breach of planning control. There will be cases where the breach or harm is so minor that action cannot be justified i.e. it is not expedient to pursue the case.

In exercising discretion, the Council will be mindful of its duty to enforce planning legislation and to ensure that development is managed in a proactive and proportionate manner. In determining the most appropriate course of action the Council will take into account the extent of the breach and its potential impact on the environment. Any decision to proceed with enforcement action will also be informed by case law, precedents and appeal decisions.

Any request received by the Council for information in relation to any breach of Planning Control or enforcement action, including personal information, will be dealt with in accordance with the principles of the General Data Protection Regulation (GDPR) the Data Protection Act 2018; the Freedom of Information Act 2000; and the Environmental Information Regulations 2004.

The Council will rely, where necessary, on any lawful exemptions to the provision of information under the above Acts and Regulations. This may result in information being withheld until a case is concluded or the disclosure of information is ordered by a Court.

Valid complaints will be prioritised on receipt in accordance with the priorities set out in section 5.0 of this Strategy. Priority will be given to those breaches where the greatest harm is being or is likely to be caused. A decision to proceed with

formal enforcement action must be agreed by the authorised officer referred to in the current Scheme of Delegation.

Enforcement Officers will liaise closely with colleagues in other sections and government departments when it is considered necessary e.g. with the Northern Ireland Environment Agency (NIEA) in relation to waste management and the Department for Communities in relation to Listed Buildings.

Enforcement action may be held in abeyance while a planning application or appeal to remedy the breach is being determined.

It is important to note that the vast majority of breaches of planning control are resolved informally through negotiation with the land owner/occupier or through the submission and consideration of a retrospective planning application.

Investigations are carried out in accordance with the provisions of the Police and Criminal Evidence (NI) Order 1989 and the Criminal Procedures and Investigations Act 1996.

5.0 Making a Planning Enforcement Complaint

To assist the Council and for purposes of consistency, enforcement complaints about alleged breaches of planning control should preferably be made in the following ways:

Planning Portal: using the Enforcement Complaint Form on the Enforcement section of the [Planning Portal website](#).

OR

Email: Planning.Enforcement@nmandd.org

The Council will require as much information as possible in order to carry out an investigation. This information should include:

- the name, address and contact details of the complainant;
- full details of the precise nature of the complaint including the location and relevant dates;
- the name and address of the alleged responsible party, if known; and
- an explanation of the effect or consequence of the alleged breach.

The above information and identity of the complainant is treated as strictly confidential. Should a case proceed to court action then details of complainants may be subject to disclosure.

Complainants concerned about their identity being revealed or having difficulties explaining the problems affecting them may wish to discuss the matter with their local councillor who can then raise the issue on their behalf. Details of Councillors for each individual District Electoral Area (DEA) can be obtained from Council's website using [Your Councillors page](#).

6.0 Council Enforcement Priorities

The priority given to valid enforcement complaints is commensurate with the breach of planning control to which it relates and any action in response to a breach will be proportionate to the harm it causes. The priorities which reflect this principle are as follows:

Priority 1 – Works resulting in public danger or development which may result in permanent damage to the environment. For example; demolition of, or works to a Listed Building; removal of, damage to or works to trees protected by a Tree Preservation Order; demolition of a building in a Conservation Area; unauthorised quarrying operations; and commencement of building operations without permission that have a significant impact on the environment.

Priority 2 – Unauthorised work/uses which cause loss of amenity or any other significant public or private impact.

Priority 3 – Non-compliance with conditions of a planning approval (unless they relate to serious amenity issues in which case it may fall into Priority 1 or 2).

Priority 4 – Minor breaches that can be regularised for example, domestic sheds, fences or extensions.

The above list is not exhaustive and is for guidance only. It is ultimately the responsibility of the Council's Planning Enforcement Team to prioritise cases taking account of the nature of the breach and the harm being caused or likely to be caused.

It should again be stated that the vast majority of breaches are resolved informally through negotiation with the land owner/occupier or following the submission of a retrospective planning application.

7.0 Performance Targets

Statutory performance indicators for each council have been proposed in the Local Government (Performance Indicators and Standards) Order (NI) 2015. Within this legislation the statutory Key Performance Indicator (KPI) target for Enforcement agreed by this Council, is to bring 70% of cases to target conclusion with 39 working weeks of receipt of complaint. For the purposes of this strategy 'target conclusion' means case closure, submission of a retrospective planning application, enforcement action or summons to court.

The above method of performance measurement reflects the Council's approach to enforcement in that it focuses resources on those breaches of planning control where the harm is being or is likely to be caused.

In addition, the Council will adhere as far as possible to the following range of Performance Targets: -

Performance Targets

Action	Priority One	Priority Two	Priority Three	Priority Four
Register and allocate to Case Officer	Immediate background and history check	90 per cent within three working days	90 per cent within three working days	90 per cent within three working days
Site visit (date following registration)	90 per cent within three working days	90 per cent within 15 working days	90 per cent within 15 working days	90 per cent within 20 working days
Discuss and agree a course of action	90 per cent within five working days of the site visit	90 per cent within 30 working days	90 per cent within 40 working days	90 per cent within 40 working days
Commence legal action or resolve	As soon as possible if irreversible	70 per cent within 39 weeks	70 per cent within 39 weeks	70 per cent within 39 weeks

The above method of performance measurements reflects the Council's approach to enforcement in that it focuses resources on those breaches of planning control where the greatest harm is being, or is likely to be, caused.

8.0 Appeals and Legislative Timescales

Appeals to the Planning Appeals Commission for Northern Ireland (PAC), may be made against certain notices issued by Council as part of the enforcement action.

When an appeal is pending, the relevant notice shall be of no effect pending the final determination or withdrawal of the appeal. Further information on the planning appeals process, including the Commission's guide, "Enforcement Notice Appeals" can be obtained from the [PAC website](#). The timescale for hearing an appeal and issuing a determination is a matter for the Planning Appeals Commission.

Legislative Timescales

When considering enforcement action, the Council will have regard to the statutory time limits for taking enforcement action as set out in Section 132 of the Planning Act 2011.

Where there has been a breach of planning control consisting of carrying out, without planning permission, a building, engineering, mining or other operation in, on, over or under land, no enforcement action may be taken after the period of 5 years beginning with the date on which the operations were substantially completed.

In relation to unauthorised works to listed buildings, including demolition and non-compliance with a condition attached to a consent, no enforcement action may be taken in relation to works which occurred before 9 December 1978.

Unauthorised advertisement – Enforcement action may not be taken after 10 years from the date on which the breach began and where it has continued uninterrupted for the 10 years.

For offences which are indictable and cause significant harm, the Council may move straight to summons action.

9.0 Other Guidance

The Council has updated its [Enforcement webpage](#) on the Council website.

In addition, the Department for Infrastructure (DfI) has published a series of [Planning Enforcement Practice Notes](#), outlining various aspects of planning enforcement practice and legislative background.



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