STATUTORY RULES OF NORTHERN IRELAND

2011 No. 69

AIRPORTS

The City of Derry Airport (Control Over Land) Order (Northern Ireland) 2011

Made - - - -	*3rd March 2011*
Coming into operation	*4th April 2011*

Derry City Council is the airport operator of an airport to which Article 8 of the Airports (Northern Ireland) Order 1994(**1**) ("the 1994 Order") applies.

The Department for regional Development(**2**) has received representations from the airport operator that it is reasonably necessary in order to secure the safe and efficient operation of the airport that the area of land specified in this order shall be subject to control by directions.

The Department being satisfied that it is necessary to do so, in exercise of the powers conferred by Article 8 of the 1994 Order and now exercised by it hereby makes the following order:

Citation and commencement

1. This Order may be cited as the City of Derry Airport (Control Over Land) Order (Northern Ireland) 2011 and shall come into operation on 4th April 2011.

Interpretation

2. In this Order—

"the Department" means the Department for Regional Development;

"directions" means directions given under this order;

"the map" means the map attached to this order and showing the area of land subject to control; and

"the specified areas of land" has the meaning given in Article 3.

Areas of land subject to control by directions

3.—(1) The Department hereby declares that the specified areas of land shall be subject to control by directions.

(**1**) S.I. 1994/No. 426 (N.I. 1)
(**2**) S.I. 1999/283 (N.I. 1) Article 3(1)

(2) In this order "the specified areas of land" means the area of land which is shown outlined by a continuous red line on the map being land situated within parts of the areas of the local government district of Derry City Council and Limavady Borough Council.

(3) Where such a continuous red line on a map is shown along a road, path, or other similar topographical feature it shall be treated as being along the centre thereof.

(4) In this Article "the map" means the map marked "City of Derry Airport – Specified Areas of Land" which has been signed and sealed with reference to this order and deposited at the office of the Department at Clarence Court, Adelaide Street, Belfast, BT2 8GB.

Authority to give directions

4. The Department is hereby authorised to give directions, either generally or specifically, in relation to the specified areas of land for any of the purposes set out in paragraphs (a) to (g) of Article 8(3) of the 1994 Order.

Appeals

5.—(1) Any person aggrieved by

(a) the refusal of the Department to give its consent under paragraph (3)(a) of Article 8 of the 1994 Order; or

(b) any condition subject to which any such consent is given

may appeal to the Planning Appeals Commission ("the Commission") within 28 days beginning with the date of the decision.

(2) A person who wishes to appeal to the Commission under paragraph (1) shall give to the Commission written notice of the appeal, together with a statement of the grounds of the appeal.

(3) The Commission shall determine the appeal and paragraphs (1), (3), (4) and (5) of Article 111 of the Planning (Northern Ireland) Order 1991(**3**) shall apply in relation to the determination of the appeal as they apply in relation to an appeal under that Order.

(4) If either party to the appeal so requests, the Commission shall afford to each of them an opportunity of appearing before and being heard by the Commission.

(5) Notice of appeal shall be accompanied by a fee as specified in regulation 17(1) of the Planning (Fees) Regulations (Northern Ireland) 1995(**4**) as if it were an appeal to the Commission under the Planning (Northern Ireland) Order 1991.

Bringing buildings, etc. into conformity with directions

6.—(1) Where a direction has not been complied with on the expiration of 14 days from the date of its coming into operation, an authorised person may remove, pull down, cut down or alter so as to bring into conformity with the requirements of the direction, any building, structure, tree or apparatus which contravenes those requirements.

(2) For the purposes of paragraph (1), an authorised person shall, on production of his authorisation, have the right to enter on any part of the specified areas of land at all reasonable hours.

(3) Admission to land for the purposes of paragraph (1) shall not be demanded as of right unless at least 7 days notice of the intended entry has been given to every person appearing to the Department to be an owner, occupier or lessee of the lands to which entry is sought.

(**3**) S.I. 1991/1220 (N.I. 11)
(**4**) S.R. 1995 No.78