STATUTORY RULES OF NORTHERN IRELAND

2002 No. 195

PLANNING

Planning (General Development) (Amendment) Order (Northern Ireland) 2002

Made - - - -	*22nd May 2002*
Coming into operation	*21st June 2002*

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

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 2002 and shall come into operation on 21st June 2002.

(2) In this Order "the 1993 Order" means the Planning (General Development) Order (Northern Ireland) 1993.

Amendment of the 1993 Order

2. For Part 17 of Schedule 1 to the 1993 Order(**2**) substitute the following—

"Part 17

Emergency Development by Telecommunications Code System Operators

Class A	
Permitted Development	**A. Development by or on behalf of a telecommunications code system operator for the purposes of the operator's telecommunications system in, on, over or under land controlled by that operator or in accordance with**

(**1**) S.I.1991/1220 (N.I. 11)
(**2**) S.R.1993 No. 278 as amended by S.R. 1998 No. 222; S.R. 1999 No. 73 and S.R. 2000 No. 113

his licence, consisting of the use of land in an emergency for a period not exceeding 6 months to station and operate moveable telecommunications apparatus required for the replacement of unserviceable telecommunications apparatus, including the provision of moveable structures on land for the purposes of that use.

Conditions

A.1.—(1) Development is permitted by Class A subject to the condition that the operator gives written notice of the development to the Department as soon as possible after the emergency begins, and in any case not later than 3 days thereafter.

(2) Development is permitted by Class A subject to the condition that any apparatus or structure provided in accordance with that permission, shall—

(i) be located as close as operationally practicable to the existing unserviceable telecommunications apparatus;

(ii) where operationally practicable, not exceed the height of the existing telecommunications apparatus; and

(iii) at the expiry of the relevant period be removed from the land and the land restored to its condition before the development took place.

Interpretation of Class A

A.2. For the purposes of Class A –
"the 1984 Act" means the Telecommunications Act 1984;
"land controlled by an operator" means land occupied by the operator in right of a freehold interest or a leasehold interest under a lease granted for a term not less than 10 years;