STATUTORY RULES OF NORTHERN IRELAND

2000 No. 113

PLANNING

Planning (General Development) (Amendment) Order (Northern Ireland) 2000

Made - - - -	*29th March 2000*
Coming into operation	*1st May 2000*

The Department of the Environment, in exercise of the powers conferred on it 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 and commencement

1. This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 2000 and shall come into operation on 1st May 2000.

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

2.—(1) Part 17 of Schedule 1 to the Planning (General Development) Order (Northern Ireland) 1993(**2**) shall be amended in accordance with paragraph (2).

(2) In Class A of Part 17—

(a) in paragraph A.1(*g*)(ii) and A.1(*h*)(i), after the words "of all the dishes", insert "on the building, structure or mast";

(b) in paragraph A.1(*k*)(ii), for the word "it" substitute "the development";

(c) in paragraph A.1(*k*)(iii) for "2 cubic metres" substitute "2.5 cubic metres";

(d) in paragraph A.2(4)—

(i) at the beginning insert the words "Subject to paragraph (4A)(*b*),";

(ii) in sub-paragraph (*b*) after the word "mast" insert "on a building or structure", and for "2 cubic metres" substitute "2.5 cubic metres";

(iii) in the words immediately following sub-paragraph (*b*) after the word "permitted" insert ", except in the case of an emergency,";

(iv) for sub-paragraph A.2(4)(iii) substitute—

(**1**) S.I. 1991/1220 (N.I. 11); *see* Article 2(2) for the definition of "the Department"
(**2**) S.R. 1993 No. 278 as amended by S.R. 1998 No. 222 and S.R. 1999 No. 73

"the development shall not be begun before the occurrence of one of the following—

(aa) the receipt by the applicant of the Department's written notice of determination that such prior approval is not required;

(bb) where the Department gives the applicant written notice that such prior approval is required, the giving of that approval to the applicant in writing, within a period of 28 days beginning with the date on which the Department receives the application;

(cc) where the Department gives the applicant written notice that such prior approval is required, the expiry of the period of 28 days beginning with the date on which the Department receives the application, without the Department notifying the applicant, that such prior approval is given or refused;

(ddc) the expiry of a period of 28 days beginning with the date on which the Department receives the application, without the Department notifying the applicant, in writing, as to whether such prior approval is required;";

(e) after paragraph A.2(4), insert—

"(4A) Subject to paragraph A.2(5), Class A development consisting—

(a) of the construction, installation, alteration or replacement of a mast (other than on a building or structure); or

(b) such development together with any development specified in paragraph A.2(4)(*b*)

is permitted subject, except in the case of emergency to the following conditions—

(i) before beginning the development, the developer shall apply to the Department for a determination as to whether the prior approval of the Department is required to the siting and appearance of the development;

(ii) the application is accompanied by a written description of the development and a plan indicating its proposed location, together with any fee required to be paid;

(iii) the development shall not be begun before the commencement of one of the following—

(aa) the receipt of the Department's written notice that such prior approval is not required;

(bb) where the Department gives the applicant written notice that such prior approval is required, the giving of such written approval to the applicant within 42 days following the date on which it received the application;

(cc) where the Department gives the applicant written notice that such prior approval is required, the expiry of the period of 42 days beginning with the date on which the Department receives the application, without the Department notifying the applicant, that such prior approval is given or refused;

(dd) the expiry of a period of 42 days beginning with the date on which the Department receives the application, without the Department notifying the applicant, in writing, as to whether such prior approval is required;