1989 No. 434

AERODROMES

Eglinton Airport (Control over Land) Order (Northern Ireland) 1989

Made . . . . . 14th November 1989

Coming into operation . . 18th December 1989

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

WHEREAS on representations made to the Department of the Environment by Derry City Council, being the aerodrome undertaking at Eglinton Airport, the Department is satisfied that it is reasonably necessary in order to secure the safe and efficient use of the aerodrome to make an order declaring that the areas of land specified in Article 3 shall be subject to control by directions given in accordance with the provisions of section 4 of the Aerodromes Act (Northern Ireland) 1971(**a**);

AND WHEREAS the Department has consulted every district council within the area of which any part of the specified areas of land are situated and has published a notice in compliance with section 4(5) of the Act;

NOW THEREFORE the Department, in exercise of the powers conferred by sections 4(1), (2) and (3) and 19(1)(**b**) of the Act and now vested in it(**c**) 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 Eglinton Airport (Control over Land) Order (Northern Ireland) 1989 and shall come into operation on 18th December 1989.

Interpretation

2. In this Order—

"the Act" means the Aerodromes Act (Northern Ireland) 1971;

"the aerodrome" means the aerodrome at Eglinton Airport;

"the Department" means the Department of the Environment;

"directions" means directions given under this Order; and

"the specified areas of land" has the meaning given in Article 3(2).

(**a**) 1971 c. 15 (N.I.)
(**b**) *See* the definition of "Ministry"
(**c**) By S.R. & O. (N.I.) 1973 No. 504 Art. 4

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.

(2) In this Order "the specified areas of land" means the areas of land each of which is shown on the map by a continuous red line (being land situated within parts of the areas of the local government districts of Derry, Limavady and Strabane).

(3) Where such a continuous red line on the map is shown along—

(*a*) a road, path, or other similar topographical feature it shall be treated as being along the centre thereof;

(*b*) the edge of tidal waters, it shall be treated as being along high water mark as delineated on the map.

(4) In this Article "the map" means the map marked "EGLINTON 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 Parliament Buildings, Stormont, Belfast BT4 3SS.

Authority to give directions

4.—(1) The Department is hereby authorised to give, either generally or specially, in relation to the specified areas of land directions for any of the purposes set out in paragraphs (*a*) to (*g*) of section 4(2) of the Act.

(2) A direction shall not come into operation—

(*a*) before the expiration of the period during which notice of appeal may be lodged under Article 5; or

(*b*) where such notice is lodged during that period before the appeal is disposed of.

Appeals

5. Any person aggrieved by a direction given in accordance with section 4(2) of the Act may appeal to the Lands Tribunal within 14 days from the date of publication under paragraph 1 of Part I of Schedule 2 to the Act(**a**) of a notice stating that the direction has been given.

Recovery of compensation

6. Where, in consequence of the coming into operation of such a direction, the Department pays compensation to any person in pursuance of Part II of Schedule 2 to the Act(**b**), the Department may recover from Derry City Council an amount equal to the amount of that compensation.

Bringing buildings, etc. into conformity with directions

7.—(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.

(**a**) As amended by S.R. & O. (N.I.) 1973 No. 285 Art. 3 and Sch.

(**b**) As amended by S.R. & O. (N.I.) 1973 No. 285 Art. 3 and Sch. and by S.I. 1982/712 (N.I. 9) Sch. 2 para. 17