1984 No. 434

TOWN AND COUNTRY PLANNING

Planning (General Development) (Amendment) Order (Northern Ireland) 1984

Made . . . . . *17th December 1984*

Coming into operation . . . *1st February 1985*

The Department of the Environment, in exercise of the powers conferred by Article 13 of the Planning (Northern Ireland) Order 1972(**a**) and now vested in it(**b**), and of every other power enabling it in that behalf, makes the following Order:—

Citation and commencement

1. This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 1984 and shall come into operation on 1st February 1985.

Amendment

2. The Planning (General Development) Order (Northern Ireland) 1973(**c**) shall be amended as follows:—

(*a*) in Article 2(1)—

(i) after the definition of "class" insert the following definition:—

" "the Department" means the Department of the Environment;";

(ii) after the definition of "dwellinghouse" insert the following definition:—

" "hazardous substance" has the meaning assigned to that term by regulation 2(1) of the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984"; (**d**);

(iii) after the definition of "mining undertakers" insert the following definition:—

" "notifiable quantity" has the meaning assigned to that term by regulation 2(1) of the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984;";

(iv) after the definition of "painting" insert the following definition:—

" "pipe-line" means a pipe (together with apparatus and works associated therewith), or system of pipes (together with apparatus and works associated therewith), for the conveyance of anything other than air, water, water vapour or steam, not being—

(*a*) a drain or sewer; or

(*b*) a pipe or system of pipes constituting or comprised in apparatus for heating or cooling or for domestic purposes; or

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(**a**) S.I. 1972/1634 (N.I. 17)
(**b**) S.R. & O. (N.I.) 1973 No. 504; S.I. 1976/424 (N.I. 6)
(**c**) S.R. & O. (N.I.) 1973 No. 326 as amended by S.R. 1981 No. 222
(**d**) S.R. 1984 No. 177

(*c*) a pipe or system of pipes on the site of any operations or works to which certain provisions of the Factories Act (Northern Ireland) 1965(**a**) apply by virtue of section 125(1) (building operations and works of engineering construction) of that Act; or

(*d*) a pipe or system of pipes wholly situate within the boundaries of an agricultural unit and designed for use for purposes of agriculture; or

(*e*) a pipe or system of pipes wholly situate in premises used for the purposes of education or research; or

(*f*) a pneumatic despatch-tube.

For the purposes of this definition, the following apparatus and works, and none other, shall be treated as being associated with a pipe, or system of pipes, namely—

(*a*) apparatus for inducing or facilitating the flow of anything through the pipe or, as the case may be, through the system or any part thereof;

(*b*) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the course of, the pipe or system;

(*c*) apparatus for supplying energy for the operation of any such apparatus as is mentioned in (*a*) or of any such works as are mentioned in (*b*);

(*d*) apparatus for the transmission of information for the operation of the pipe or system;

(*e*) apparatus for affording cathodic protection to the pipe or system;

(*f*) a structure for the exclusive support of a part of the line or system.''.

(*b*) in Article 3 (permitted development)—

(i) for paragraph (1) there shall be substituted the following paragraph:—

''(1) Subject to the subsequent provisions of this Order, development of any class specified in Schedule 1 is permitted by this Order and may be undertaken upon land to which this Order applies, without the permission of the Department:

Provided that—

(*a*) the permission granted by this Order in respect of any such class of development shall be defined by any limitation and be subject to any condition imposed in that Schedule in relation to that class; and

(*b*) the permission granted by this Order in respect of any such class of development shall be subject to the condition that no building, plant or machinery, or structure or erection in the nature of plant or machinery (other than a mains, pipe or other apparatus belonging to a gas undertaker), authorised by the permission, and no floor space created by development authorised by the permission, shall be used for a purpose which involves the manufacture, processing, keeping or use of a hazardous substance in such circumstances as will result in there being at any one time a notifiable quantity of such substance in, on, over or under the land on which the building, plant or machinery, structure or erection or floorspace is situated, or any site of which that land forms part.'';

(ii) the following paragraphs shall be inserted after paragraph (2):—

(**a**) 1965 c. 20 (N.I.)