

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

(2) For the purposes of paragraph (1), an authorised person shall, on producing if so required some duly authenticated document showing his authority, have a 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 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 land to which entry is sought.

(4) Where notice of intended entry for a particular purpose has been given as respects the first occasion on which the right of entry is exercised, no further notice shall be required before entering on the land on a subsequent occasion in connection with that purpose.

(5) If it is shown to the satisfaction of a justice of the peace on a sworn complaint in writing—

(a) that admission to land which any person is entitled to enter by virtue of paragraph (2) has been refused to that person, or that refusal is apprehended, or that the land is unoccupied, or the occupier is temporarily absent, or that the case is one of urgency; and

(b) that there are reasonable grounds for entry to the land for any purpose for which the entry is required

the justice may by warrant under his hand authorise that person to enter on the land, if need be by force.

(6) Any person entitled to enter on any land by virtue of paragraph (2) or of a warrant issued under paragraph (5)—

(a) may take with him such other persons and such equipment as may be necessary; and

(b) on leaving any unoccupied land which he has entered by virtue of such a warrant shall leave it as effectually secured against trespassers as he found it.

(7) Every warrant granted under paragraph (5) shall continue in force until the purpose for which entry is necessary has been satisfied.

(8) Where an authorised person enters on land for the purposes of paragraph (1), he shall reinstate the land as soon as possible.

(9) In this Article “authorised person” means any person authorised in writing by the Department for the purposes of this Article.

Sealed with the Official Seal of the Department of the Environment on
14th November 1989.

(L.S.)

Trevor Pearson

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order declares that the Department of the Environment may, in the interests of the safe and efficient use of Eglinton Airport, exercise control by directions over the areas of land specified in Article 3.

The specified areas of land are identified by means of a map marked "EGLINTON AIRPORT — SPECIFIED AREAS OF LAND", signed and sealed with reference to this Order and deposited at the Office of The Department of the Environment, Parliament Buildings, Stormont, Belfast BT4 3SS. Copies of the map have been deposited at the Department of the Environment, Transport Division, Northland House, 3-5a Frederick Street, Belfast BT1 2NR, Ordnance Survey of Northern Ireland, Stranmillis Court, Belfast BT9 5BJ, Derry City Council, Guildhall, Londonderry BT48 6DQ, Limavady Borough Council, 7 Connell Street, Limavady BT49 0HA and Strabane District Council, Derry Road, Strabane BT82 8DY where they are available for inspection at any reasonable hour.

The Department may give directions in relation to the specified areas of land for any of the purposes set out in section 4(2) of the Aerodromes Act (Northern Ireland) 1971. Those purposes are—

- (a) prohibiting the erection of such buildings or structures as may be specified;
- (b) requiring the total or partial demolition of any building or structure;
- (c) requiring any tree to be cut down or restricted in height;
- (d) extinguishing any private right of way;
- (e) restricting the installation of cables, mains, pipes, wires or other apparatus;
- (f) extinguishing any subsisting right of installing or maintaining such apparatus;
- (g) requiring the removal of any such apparatus (Article 4).

A person aggrieved by a direction may appeal to the Lands Tribunal (Article 5). The Order empowers the Department to authorise any person to carry out work to bring any building, structure, tree or apparatus within the specified areas into conformity with the requirements of the direction and gives a person so authorised power to enter on land for those purposes (Article 7).

The Order provides that the Department may recover from Derry City Council any amount of compensation paid to any person by the Department under Part II of Schedule 2 to the Act in consequence of the coming into operation of a direction (Article 6).

1989 No. 435

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.