
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 380

**The Conservation (Natural Habitats, etc.)
Regulations (Northern Ireland) 1995**

PART IV

ADAPTATION OF PLANNING AND OTHER CONTROLS

Planning

Effect of discontinuance orders made on review

53.—(1) Where the Department proposes, pursuant to regulation 50, to make an order under Article 39 of the 1991 Order (order requiring the discontinuance of a use, etc.) or Article 39 of that Order as applied to the winning and working of minerals by Article 112 of the said Order, insofar as it requires the discontinuance of a use of land or imposes conditions upon the continuance of a use of land, it shall make a provisional order which shall take effect immediately on service of the notice of making required by Article 39(4) of that Order and, where there is more than one such notice and those notices are served at different times, upon service of the last such notice to be served.

(2) The Department may—

- (a) after considering any objections and representations received within the period specified in the notice and where a hearing is held, the report of the planning appeals commission; or
- (b) where no objections or representations are received within that period;

confirm the order, with or without modifications or withdraw it and shall give notice of the confirmation or withdrawal to the persons on whom the notice of the provisional order was served.

(3) Where the Department decides not to confirm any such order the order shall cease to have effect and the use, which by the Order was discontinued or upon whose continuance conditions were imposed—

- (a) may thereafter be continued as if the order had never been made; and
- (b) shall be treated for the purposes of the 1991 Order as if it had continued without interruption throughout the period during which the order took effect.

(4) An order under Article 39 of the 1991 Order (order requiring discontinuance of use, etc.) or Article 39 as applied by Article 112 of that Order in respect of the winning and working of minerals, made in pursuance of regulation 50, shall not affect anything done prior to the site becoming a European site or, if later, the commencement of these Regulations.