

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^(a) 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^(b) 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,”;

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

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

(dd) 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;
 - (iv) the development shall, except to the extent the Department otherwise agrees in writing, be carried out—
 - (aa) where prior approval has been given as mentioned in sub-paragraph (iv)(bb), in accordance with the details approved; and
 - (bb) in any other case, in accordance with the details submitted with the application;
 - (v) the development shall be begun—
 - (aa) where prior approval has been given as mentioned in sub-paragraph (iv)(bb), not later than the expiration of 5 years beginning with the date on which the approval was given;
 - (bb) in any other case, not later than the expiration of 5 years beginning with the date on which the Department was given the information referred to in sub-paragraph (ii).”;
 - (f) in paragraph A.2(5) delete “in a conservation area, an area of outstanding natural beauty, an area of special scientific interest or a National Park”.

Transitional provision

3. The amendments made by this Order shall not apply in relation to applications made before the coming into operation of this Order for a determination as to whether the prior approval of the Department is required to the siting and appearance of the development.

Sealed with the Official Seal of the Department of the Environment on 29th March 2000.

(L.S.)

Cynthia Smith
A senior officer of the Department
of the Environment

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Planning (General Development) Order (Northern Ireland) 1993 (“the 1993 Order”) in relation to certain permitted development rights. Where such rights apply no specific application for planning permission is required.

Article 2 amends Part 17 of Schedule 1 of the 1993 Order which was substituted by the Planning (General Development) (Amendment) Order (Northern Ireland) 1998. Sub-paragraphs (a) and (b) make minor changes for the purposes of clarification. Sub-paragraph (c) raises the maximum volume of radio equipment housing permitted in a conservation area, area of outstanding natural beauty, area of special scientific interest and National Park from 2 cubic metres to 2.5 cubic metres. Sub-paragraph (d) raises the threshold at which radio equipment housing becomes subject to the 28 day prior approval procedure and provides that notice to the applicant of the need for prior approval, or the giving or refusing of approval to the siting and appearance of the development (other than ground based masts) must be given in writing within 28 days.

Sub-paragraph (e) inserts new conditions where the development consists of the construction, alteration or replacement of a ground based mast. The main change is to increase from 28 to 42 days, the period allowed for the Department to make and notify its determination on whether prior approval is required and notify the applicant of its decision. Sub-paragraph (f) amends the existing provisions making it a requirement to notify the Department in writing of development in all areas, not just conservation areas etc., where the development is carried out in an emergency, as soon as possible after the emergency begins.

Article 3 provides that the amendments only apply to applications for prior approval received after the commencement of this Order.

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