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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 195**

**PLANNING**

**Planning (General Development)  
(Amendment) Order (Northern Ireland) 2002**

*Made* - - - - *22nd May 2002*  
*Coming into operation* *21st June 2002*

The Department of the Environment, in exercise of the powers conferred by Article 13 of the Planning (Northern Ireland) Order 1991(1) and of all other powers enabling it in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 2002 and shall come into operation on 21st June 2002.

(2) In this Order “the 1993 Order” means the Planning (General Development) Order (Northern Ireland) 1993.

**Amendment of the 1993 Order**

2. For Part 17 of Schedule 1 to the 1993 Order(2) substitute the following—

**“Part 17**

**Emergency Development by Telecommunications Code System Operators**

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**Class A**

**Permitted Development**

**A. Development by or on behalf of a telecommunications code system operator for the purposes of the operator’s telecommunications system in, on, over or under land controlled by that operator or in accordance with**

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(1) S.I.1991/1220 (N.I. 11)

(2) S.R.1993 No. 278 as amended by S.R. 1998 No. 222; S.R. 1999 No. 73 and S.R. 2000 No. 113

**his licence, consisting of the use of land in an emergency for a period not exceeding 6 months to station and operate moveable telecommunications apparatus required for the replacement of unserviceable telecommunications apparatus, including the provision of moveable structures on land for the purposes of that use.**

*Conditions*

**A.1.—**(1) Development is permitted by Class A subject to the condition that the operator gives written notice of the development to the Department as soon as possible after the emergency begins, and in any case not later than 3 days thereafter.

(2) Development is permitted by Class A subject to the condition that any apparatus or structure provided in accordance with that permission, shall—

- (i) be located as close as operationally practicable to the existing unserviceable telecommunications apparatus;
- (ii) where operationally practicable, not exceed the height of the existing telecommunications apparatus; and
- (iii) at the expiry of the relevant period be removed from the land and the land restored to its condition before the development took place.

*Interpretation of Class A*

**A.2** For the purposes of Class A –  
“the 1984 Act” means the Telecommunications Act 1984;  
“land controlled by an operator” means land occupied by the operator in right of a freehold interest or a leasehold interest under a lease granted for a term not less than 10 years;

“development in accordance with a licence” means development carried out by an operator in pursuance of a right conferred on that operator under the telecommunications code, and in accordance with any conditions relating to the application of that code imposed by the terms of his licence;

“relevant period” means a period which expires –

- (a) 6 months from the commencement of the use permitted by Class A; or
- (b) when the need for such use shall cease,

whichever occurs first;

“telecommunications apparatus” means any apparatus falling within the definition of that term in paragraph 1 of Schedule 2 to the 1984 Act;

“telecommunications code” means the code contained within Schedule 2 to the 1984 Act;

“telecommunications code system operator” means a person who has been granted a licence under section 7 of the 1984 Act which applies the telecommunications code to him in pursuance of section 10 of that Act;

“telecommunications system” has the meaning assigned to that term by section 4(1) of the 1984 Act.”

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### **Transitional Provisions**

**3.** The amendments made by this Order shall not apply in relation to applications received by the Department 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 and accordingly Part 17 of Schedule 1 to the 1993 Order shall continue to apply to any such development in the same manner in which it applied immediately before that date.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Sealed with the Official Seal of the Department of the Environment on 22nd May 2002.

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*D. Nesbitt*  
Minister for the Environment

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order amends the Planning (General Development) Order (Northern Ireland) 1993 by the substitution of Part 17 to Schedule 1 to that Order.

The effect of the substitution of Part 17 is to remove (except in the case of an emergency) permitted development rights previously available to telecommunications code system operators under that Part. In the case of an emergency, Article 2 of this Order provides that land may be used, subject to conditions, by telecommunications code system operators for up to 6 months to provide replacement moveable apparatus in place of unserviceable apparatus.

Article 3 of this Order provides that the amendment will not apply to applications for prior approval already made to the Department before the date on which the Order comes into operation. Previous permitted development rights under Part 17 shall continue to apply to any such development in the same manner in which they applied immediately before that date.