

SCHEDULE 2

Regulation 7

TRANSITIONAL PROVISIONS

1. In this Schedule –

“1972 Act” means the Local Government Act (Northern Ireland) 1972⁽¹⁾;

“Article 40 Agreement” means a planning agreement under Article 40 of the Planning (Northern Ireland) Order 1991⁽²⁾;

“appropriate council” means the council in whose district the land to which the planning agreement relates is situated;

“predecessor council” means a district council constituted under section 1 of the 1972 Act as in force on the day before the coming into operation of these Regulations;

“successor council” means a district council constituted under section 1 of the 1972 Act on the day on which these Regulations come into operation, and a council is a successor council if the whole or major part of the land to which the Article 40 Agreement relates is incorporated within its district.

General

2. Subject to paragraphs 3 and 4 an Article 40 Agreement shall be treated as a planning agreement made and enforceable by the appropriate council under section 76; and the appropriate council may modify or discharge that agreement under section 77.

3. The Article 40 Agreement relating to George Best Belfast City Airport between Belfast City Airport Limited and the Department of the Environment dated 14 October 2008 shall be treated as a planning agreement made and enforceable by the Department under section 76; and the Department may modify or discharge that agreement under section 77.

4. Where a predecessor council was a party to an Article 40 Agreement that agreement shall be treated as a planning agreement between the Department and the successor council made and enforceable by the Department under section 76; and the Department may modify or discharge that agreement under section 77.

5. Anything done by, to or in relation to the Department (including legal proceedings) in connection with an Article 40 Agreement shall be treated as if it had been done by, to or in relation to the appropriate council, or as the case may be, the Department in connection with a planning agreement.

(1) 1972 c.9 (N.I.) as amended by 2014 c.8 (N.I.)

(2) S.I. 1991/1220 (N.I. 11) as amended by S.I. 2003/430 (N.I. 8), S.I. 2006/1252 (N.I.7) and S.I.2011 c.25 (N.I.)