

- (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.”.

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.

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

(L.S.)

D. Nesbitt
Minister for the Environment

EXPLANATORY NOTE

(This note is not part of the Order.)

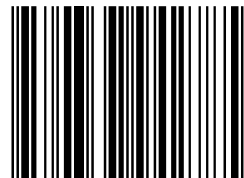
This Order amends the Planning (General Development) Order (Northern Ireland) 1993 by the substitution of Part 17 to Schedule 1 to that Order.

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.

Published and printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. N20531. C4. 5/02. Gp. 130. 14567.
£1.75

ISBN 0-337-94278-1



9 780337 942785