

**2007 No. 106**

**PLANNING**

**The Planning (General Development) (Amendment) Order  
(Northern Ireland) 2007**

*Made* - - - - - *20th February 2007*

*Coming into operation* - - - - - *1st April 2007*

The Department of the Environment, in exercise of the powers conferred by Article 13 of the Planning (Northern Ireland) Order 1991(a), makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 2007 and shall come into operation on 1st April 2007.

**Amendment of the Planning (General Development) Order (Northern Ireland) 1993**

2. Schedule 1 (development permitted under Article 3) of the Planning (General Development) Order (Northern Ireland) 1993(b) shall be amended as follows—

- (a) in Part 13 (development by statutory and other undertakers) after Class G (post office) insert Class H as set out in the Schedule to this Order;
- (b) omit Part 23 (development by the Department for Regional Development—water and sewerage undertakings).

Sealed with the Official Seal of the Department of the Environment on 20th February 2007.



*Marianne Fleming*  
A senior officer of the Department of the Environment

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(a) S.I. 1991/1220 (N.I.11) as amended by S.I. 2003/430 (N.I.8) and S.I. 2006/1252 (N.I.7)  
(b) S.R.1993 No. 278 as amended by S.R. 1995 No. 424, S.R. 1999 No. 73, S.R. 2000 No. 101, S.R. 2003 No. 98, S.R. 2003 No. 445, S.R. 2004 No. 459, S.R. 2005 No. 427, S.R. 2006 No. 218, S.R. 2006 No. 219, S.R. 2006 No. 276 and S.R. 2006 No. 348.

# SCHEDULE

Article 2

## Amendment of Part 13 of Schedule 1 to the Planning (General Development) Order (Northern Ireland) 1993

<b>“Class H</b>		<b>Water and sewerage undertakings</b>
<b>Permitted development</b>	<b>H.</b>	<p><b>Development by water or sewerage undertakers consisting of—</b></p> <ul style="list-style-type: none"> <li>(a) <b>development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus;</b></li> <li>(b) <b>development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge;</b></li> <li>(c) <b>development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse;</b></li> <li>(d) <b>the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;</b></li> <li>(e) <b>the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;</b></li> <li>(f) <b>the installation in a water distribution system of a booster station, valve house, meter or switch-gear house;</b></li> <li>(g) <b>any works authorised under Article 141 (works under drought orders) or Articles 219 and 220 (pipe laying) of the Water and Sewerage Services (Northern Ireland) Order 2006(a);</b></li> <li>(h) <b>any other development in, on, over or under operational land, other than the provision of a building but including the extension or alteration of a building; or</b></li> <li>(i) <b>the strapping of pipelines to bridges.</b></li> </ul>
<i>Development not permitted</i>	<b>H.1</b>	<p>Development is not permitted by Class H if—</p> <ul style="list-style-type: none"> <li>(a) in the case of any Class H(b) development, it would include the construction of a reservoir;</li> <li>(b) in the case of any Class H(f) development</li> </ul>

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(a) S.I.2006/3336

involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;

- (c) in the case of any Class H(h) development, it would consist of or include the extension or alteration of a building so that—
  - (i) its design or external appearance would be materially affected;
  - (ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25% ; or
  - (iii) the floor space of the original building would be exceeded by more than 1000 square metres;
- (d) in the case of any Class H(h) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater; or
- (e) the land is within a site of archaeological interest.

Condition

H.2

Development is permitted by Class H(d) subject to the condition that, on completion of the survey or investigation, or at the expiration of six months from the commencement of the development, whichever is the sooner, all such operations shall cease and all such buildings, plant, machinery and apparatus shall be removed and the land restored as soon as reasonably practicable to its former condition or to any other condition which may be agreed between the Department and the developer.

Interpretation of Class H

H.3

For the purposes of Class H—

“associated apparatus”, in relation to any sewer, main or pipe, means pumps, machinery or apparatus associated with the relevant sewer, main or pipe;

“sludge main” means a pipe or system of pipes (together with any pumps or other machinery or apparatus associated with it) for the conveyance of the residue of water or sewage treated in a water or sewage treatment works as the case may be, including final effluent or the products of the dewatering or incineration of such residue, or partly for any of those purposes and partly for the conveyance of trade effluent or its residue.”

## **EXPLANATORY NOTE**

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

This Order amends the Planning (General Development) Order (Northern Ireland) 1993 to provide permitted development rights for water and sewerage undertakings as a result of the transfer of those responsibilities on 1st April 2007 from the Department for Regional Development to a water and sewerage undertaker.

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