

DEPARTMENT OF THE ENVIRONMENT

PLANNING (AMENDMENT) (NORTHERN IRELAND) ORDER 1978

CONTROL OF DEMOLITION IN CONSERVATION AREAS

The Department of the Environment in exercise of the powers conferred on it by Article 4(4)(a) of the Planning (Amendment) (Northern Ireland) Order 1978(a) (the 1978 Order) and of all other powers enabling it in that behalf, directs as follows:-

1. Article 4 of the 1978 Order shall not apply to the following descriptions of buildings:-
 - (a) a building with a total cubic content not exceeding 115 cubic metres or a part of such building, and in this sub-paragraph "building" does not include part of a building;
 - (b) a gate, wall, fence or railing which is less than 1 metre high where abutting on a highway (including a public footpath) or public open space, or 2 metres high in any other case;
 - (c) a building used, or last used, for the purposes of agriculture or forestry;
 - (d) a part of a building used, or last used, for an industrial process, provided that such part (taken with any other part which may have been demolished) does not exceed 10 per cent of the cubic content of the original building (as ascertained by external measurement) or 500 square metres of floor space, whichever is the greater;
 - (e) a building in respect of which the provisions of an enforcement notice served under Article 42 or 49 of the 1972 Order require its demolition, in whole or in part, however expressed;

- (f) a building required to be demolished by virtue of a condition of planning permission granted under Article 17 of the 1972 Order;
- (g) a building to which a demolition order under Article 35 of the 1981 Order applies;
- (h) a building required to be demolished by virtue of a notice under Article 63 of the 1981 Order;
- (i) a building included in a vesting order under Articles 48 or 87 of the 1981 Order.

2. In this direction:-

"the 1972 Order" means the Planning (Northern Ireland) Order 1972**(b)**;

"the 1981 order" means the Housing (Northern Ireland) Order 1981**(c)**'

"forestry" means the growing of a utilisable crop of timber; and

"industrial process" means a process for or incidental to any of the following purposes, namely:-

(a) the making of an article or part of an article, or

(b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up, or demolition of an article, or

(c) without prejudice to sub-paragraphs (a) and (b) the getting, dressing or treatment of minerals,

being a process carried out in the course of trade or business, and for the purposes of this definition the expression "article" means an article of any description, including an aircraft, ship or vessel.

L.S.

Sealed with the Official Seal of the Department of the Environment on 3rd.

FEBRUARY 1988.

DOUGLAS B. McILDOON

Assistant Secretary

- (a) S.I. 1978/1048 (N.I.18) as amended by SI 1982/1537 (NI 20)
- (b) S.I. 1972/1634 (N.I.17)
- (c) S.I. 1981/156 (N.I.3)