

PLANNING (NORTHERN IRELAND) ACT 2011
PLANNING (CONTROL OF DEMOLITION IN CONSERVATION AREAS)
DIRECTION 2015

The Department of the Environment makes the following Direction in exercise of the powers conferred on it by section 105(4) of the Planning Act (Northern Ireland) 2011¹.

Commencement

1. This direction comes into operation on 1 April 2015.

Interpretation

2. In this direction:-

"the 1981 order" means the Housing (Northern Ireland) Order 1981²
"forestry" means the growing of a utilisable crop of timber;

"industrial process" means a process for or incidental to any of the following purposes –

(a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);

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

(c) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine; and

any reference to a section is a reference to a section of the Planning Act (Northern Ireland) 2011.

Description of buildings to which section 105 does not apply

3. Section 105 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;

(b) a gate, wall, fence or other means of enclosure-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;

¹ 2011 c.25(N.I.)

² S.I. 1981/156 (N.I.3)

(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 section 138 (issue of enforcement notice by councils), section 139 (issue of enforcement notice by Department), 157 (issue of listed building enforcement notices by councils) or 158 (issue of listed buildings enforcement notices by Department) 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 section 45 (determination of planning applications) or section 145(1) (appeal against enforcement notice-supplementary provisions relating to planning permission);

(g) any building required to be demolished by virtue of an order made under section 73 (orders requiring discontinuance of use or alteration or removal of buildings or works);

(h) any building required to be demolished by virtue of any provision of an agreement made under section 76 (planning agreements);

(i) a building to which a demolition order under Article 35 of the 1981 Order applies;

(j) a building required to be demolished by virtue of a notice under Article 63 of the 1981 Order;

(k) a building included in a vesting order under Articles 48 or 87 of the 1981 Order.

4. The Planning (Amendment) (Northern Ireland) Order 1978, Control of Demolition in Conservation Areas direction dated 3rd February 1988 shall cease to have effect.

Sealed with the Official Seal of the Department of the Environment on **23 March 2015**

(L/S)

ANGUS KERR
A senior officer of the Department of the Environment