



2011 CHAPTER 25

Part 4

Additional planning control

Chapter 1

Listed buildings and conservation areas

Areas of special architectural or historic interest

Conservation areas

104.—(1) A council may designate areas of special architectural or historic interest within its district the character or appearance of which it is desirable to preserve or enhance.

(2) The Department may from time to time determine that any part of an area within a council's district which is not for the time being designated as a conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and, if the Department so determines, it may designate that part as a conservation area.

(3) Before making a determination under subsection (2) the Department must consult the council concerned.

(4) A designation under subsection (1) or (2) may be varied or cancelled by the authority which made the designation.

(5) Subject to subsection (6), before making, varying or cancelling a designation under this section, the council or, as the case may be, the Department must consult with—

- (a) the Historic Buildings Council;

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Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Cross Heading: Areas of special architectural or historic interest. (See end of Document for details)

(b) such other persons or bodies as may be prescribed.

(6) A designation under this section may be made without consulting the persons or bodies mentioned in subsection (5)(b), but a designation made without such consultation shall only have effect for a period of 6 months beginning on the date on which the designation was made.

(7) A council must give notice of the designation of any part of its district as a conservation area under subsection (1) and of any variation or cancellation of any such designation to the Department.

(8) The Department must give notice of the designation of any part of the district of a council as a conservation area under subsection (2) and of any variation or cancellation of any such designation to the council.

(9) A notice under subsection (7) or (8) must contain sufficient particulars to identify the area affected.

(10) Notice of any such designation, variation or cancellation as is mentioned in subsection (7) or (8), with particulars of its effect and sufficient particulars to identify the area affected, must be published in at least one newspaper circulating in the council's district, by that council or, as the case may be, the Department.

(11) Where any area is for the time being designated as a conservation area, special regard must be had, in the exercise, with respect to any buildings or other land in that area, of any powers under this Act, to the desirability of—

- (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;
- (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.

(12) In this Act “conservation area” means an area designated under subsection (1) or (2).

Modifications etc. (not altering text)

- C1** Pt. 4 chapter 1 (except ss. 92-93 102) applied with modification(s) (1.4.2015) by [The Planning \(Conservation Areas\) \(Demolition\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/107\)](#), regs. 1, **11**
- C2** Pt. 4 (except chpts. 1, 2) applied with modification(s) (1.4.2015) by [The Planning General Regulations \(Northern Ireland\) 2015 \(S.R. 2015/39\)](#), regs. 1(1), **2** (with regs. 3-10)
- C3** [S. 104: transfer of functions \(8.5.2016\) by The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 1** (with art. 9(2))

Commencement Information

- I1** S. 104 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I2** S. 104 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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Control of demolition in conservation areas

105.—(1) This section applies to all buildings in conservation areas other than—

- (a) listed buildings;
- (b) buildings of a class specified in section 85(8);
- (c) buildings in relation to which a direction under subsection (4) is for the time being in force.

(2) A building to which this section applies shall not be demolished without the consent (in this Act referred to as a “conservation area consent”) of the appropriate authority.

(3) The appropriate authority for the purposes of this section is—

- (a) in relation to applications for consent made by councils, the Department;
- (b) in relation to other applications for consent, the council or the Department.

(4) The Department may direct that this section shall not apply to a description of buildings specified in the direction.

(5) Where the Department gives a direction under subsection (4), it must publish a copy of the direction in the Belfast Gazette and in a newspaper circulating in the area in which the buildings are situated.

(6) Sections 85 to 102, 107, 157 to 160, 181 and 191 shall have effect in relation to buildings to which this section applies as they have effect in relation to listed buildings, subject to such exceptions and modifications as may be prescribed.

(7) If this section ceases to apply to a building—

- (a) any proceedings on or arising out of an application for conservation area consent made while this section applied to the building shall lapse;
- (b) any conservation area consent granted with respect to the building shall also lapse;
- (c) the cesser shall not affect the liability of any person to be prosecuted and punished for an offence under section 85 or 157 (as applied by subsection (6)) committed by that person with respect to the building while this section applied to it.

(8) For the purposes of this section, any reference to demolition, in relation to a building to which this section applies, includes a reference to any structural alteration of that building where the alteration consists of demolishing part of the building.

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Modifications etc. (not altering text)

- C4** Ss. 105-155: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 5 Pt. 2](#) (with art. 9(2))
- C5** S. 105(6) applied (1.4.2015) by [The Planning \(Conservation Areas\) \(Demolition\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/107\)](#), regs. 1, 5, [Sch. 1](#)

Commencement Information

- I3** S. 105 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, [Sch. 1](#)
- I4** S. 105 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Grants in relation to conservation areas

106.—(1) The Department may, in relation to any conservation area, make grants or loans for the purpose of defraying in whole or in part any expenditure incurred or to be incurred in or in connection with, or with a view to the promotion of, the preservation or enhancement of the character or appearance of the area or any part thereof.

(2) A grant or loan under this section may be made subject to such conditions as the Department thinks fit.

(3) Any loan under this section must be made on such terms as to repayment, payment of interest and otherwise as the Department may with the approval of the Department of Finance and Personnel determine; and all sums received by the Department by way of interest on, or repayment of, such a loan shall be paid into the Consolidated Fund.

Modifications etc. (not altering text)

- C4** Ss. 105-155: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 5 Pt. 2](#) (with art. 9(2))

Commencement Information

- I5** S. 106 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, [Sch. 1](#)
- I6** S. 106 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

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