

## **The Conservation Areas (Removal of Duty to Notify) (Belfast City Council) Direction 2023**

The Department for Infrastructure makes the following Direction in exercise of the power conferred on it by section 90(1) and (5) (as applied by section 105(6)) of the Planning Act (Northern Ireland) 2011<sup>1</sup>. This direction applies to Belfast City Council.

### **Citation, Commencement and Expiry**

1. This Direction may be cited as the Conservation Areas (Removal of Duty to Notify) (Belfast City Council) Direction 2023.
2. This direction comes into operation on xx and ceases to have effect on such a date to be notified to the Council by the Department in writing.

### **Interpretation**

3. In this Direction:

“*the Act*” means the “Planning Act (Northern Ireland) 2011”;

“*conservation area consent*” has the meaning given in section 105(2) of the Act;

“*specialist conservation advice*” means advice obtained by, for and on behalf of the council from any person who has successfully completed;

the Royal Society of Ulster Architects (RSUA) course in Historic Building Conservation or;

can demonstrate that they have successfully completed an equivalent, or higher, course.

### **Determination by councils of certain conservation area consent applications without notifying the Department**

4. Section 89 (as applied by section 105(6)) of the Act shall cease to apply to applications for conservation area consent save for those applications described at paragraph 5 below.

5. (a) for the demolition of all of the building and/or;

(b) where, prior to a decision being taken, the council intends to grant consent and specialist conservation advice raises concern(s) about the proposed demolition.

Sealed with the Official Seal of the Department for Infrastructure on xx ---

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<sup>1</sup> 2011 c.25(N.I.)

(L/S)

**ALISTAIR BEGGS**

A senior officer of the Department for Infrastructure

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Explanatory Note  
(This note is not part of the Direction)

Paragraph 3 sets out the definition of “specialist conservation advice” for the purposes of this direction. The terms “the Act”, and “conservation area consent”, are also defined i.e. for the purposes of clarity.

Paragraph 4 of this Direction disapplies the requirement to notify the Department of applications for conservation area consent i.e. subject to the exceptions specified in paragraph 5.

Paragraph 5 retains the requirement to notify the Department, of applications for conservation area consent, in three circumstances i.e. where the council intends to:

- grant consent for the complete demolition of a building [sub-paragraph 5(a)];
- grant consent and specialist conservation advice obtained by, for and on behalf of the council raises concern(s) about the proposed demolition and those concerns remain even where mitigation measures and/or other material planning considerations have been accepted by the council to off-set those concerns [sub-paragraph 5(b)]; and
- grant consent:
  - for the complete demolition of a building [sub-paragraph 5(a)]; and
  - specialist conservation advice obtained by, for and on behalf of the council raises concern(s) about the proposed demolition and those concerns remain even where mitigation measures and/or other material planning considerations have been accepted by the council to off-set those [sub-paragraph 5(b)].