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STATUTORY INSTRUMENTS

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**1985 No. 170**

**The Nature Conservation and Amenity  
Lands (Northern Ireland) Order 1985**

**PART III**

**AMENITY LANDS**

*Acquisition and disposal of amenity lands*

- 6.—(1) Where the Department considers that it is expedient to acquire land for the purpose of—
- (a) conserving any area of natural beauty or amenity;
  - (b) establishing a nature reserve;
  - (c) providing means of access to any area of the kind referred to in sub-paragraphs (a) and (b);
  - (d) providing, in or in relation to any such area or any National Park, facilities for the use of that area or Park by the public;
  - (e)<sup>F1</sup> restoring or improving the appearance of a derelict site or of improving the amenities of the neighbourhood of a derelict site;

the Department may, in accordance with arrangements approved by the Department of Finance and Personnel, acquire such land by agreement (whether by way of purchase, lease or exchange) or otherwise.

(2)<sup>F1</sup> Where, for any of the purposes referred to in paragraph (1), the Department desires to acquire otherwise than by agreement any land, the Department may make an order vesting that land in the Department.

(3)<sup>F1</sup> Section 97(2) and (3) of, and Schedule 6 to, the Local Government Act (Northern Ireland) 1972 shall apply subject to the modifications specified in Schedule 2 for the purpose of the making of vesting orders under this Article.

(4)<sup>F1</sup> Where the Department is of the opinion that any land acquired under this Article would be more expediently or efficiently managed or conserved in the public interest<sup>F2</sup> by any person] the Department may, in accordance with arrangements approved by the Department of Finance and Personnel, convey, either for value or otherwise and upon such terms and conditions as the Department may think fit, that land to<sup>F2</sup> that person], and may—

- (i) impose such restrictions as the Department may think necessary on the user of the land so conveyed; and
- (ii) grant or reserve such rights over such land as the Department may think fit.

(5)<sup>F1</sup> Without prejudice to paragraph (4), the Department may, in accordance with arrangements approved by the Department of Finance and Personnel, dispose of any land acquired under this Article which the Department no longer requires for any of the purposes referred to in paragraph (1), upon such terms and conditions as the Department may think fit, and may impose restrictions and grant or reserve rights as if the land were conveyed under paragraph (4).

(6 <sup>F1</sup> Nothing in section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (which relates to the taking and disposal of land for the public services) shall affect the disposal by the Department of land acquired under this Article.

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| <b>F1</b> | functions transf. by SR 1999/481 |
| <b>F2</b> | 1989 NI 3                        |

### ***Grants and loans to National Trust for acquisition, etc., of amenity lands***

7.—(1) The Department may, in accordance with arrangements approved by the Department of Finance and Personnel, make grants (whether by way of endowment or otherwise) or loans to the National Trust for Places of Historic Interest or Natural Beauty towards the cost of—

- (a) acquiring any land for the purpose of—
  - (i) conserving any area of natural beauty or amenity;
  - (ii) establishing a nature reserve;
  - (iii) providing means of access to any area of the kind referred to in heads (i) and (ii);
- (b) improving, maintaining or managing any land so acquired.

(2) Grants and loans under paragraph (1) shall be on such terms and conditions as the Department thinks fit.

### ***Power of Department to enter into agreements or covenants restricting use of land***

8.—(1) Where any owner of land in any area, which in the opinion of the Department is one of natural beauty or amenity, is willing to agree with the Department that the land or any part thereof shall, so far as his interest in the land enables him to bind it, be made subject (either permanently or for a specified period) to conditions restricting the use or development thereof in any manner, the Department may if it thinks fit (either for consideration or otherwise) enter into an agreement with him or accept a covenant from him to that effect.

(2) Where an owner entering into an agreement or covenant under paragraph (1) has power to make that agreement or covenant binding upon his successors in title, and the agreement or covenant is expressed to be so binding, the Department shall have power to enforce that agreement or covenant against such successors in the like manner and to the like extent as if the Department were possessed of or entitled to or interested in adjacent land and as if the agreement or covenant had been expressed to be entered into for the benefit of the adjacent land.

(3) The Department may waive (either permanently or temporarily) any condition imposed by an agreement or covenant made under paragraph (1) which is inconsistent with any provision of a [<sup>F3</sup>local development plan] or development order under the [<sup>F4</sup>Planning Act (Northern Ireland) 2011].

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| <b>F3</b> | Words in art. 8(3) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by <a href="#">Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 6 para. 48(a)</a> (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2) |
| <b>F4</b> | Words in art. 8(3) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by <a href="#">Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), Sch. 6 para. 48(b)</a> (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2) |

### ***Management agreements with owners and occupiers of land***

9 <sup>F5</sup>.—(1) The Department may for the purpose of conserving or enhancing the natural beauty or amenity of any land or promoting its enjoyment by the public, make an agreement (in this Article

referred to as a “management agreement”) with any person having an estate in the land, with respect to the management of the land during a specified term or without limitation of the duration of the agreement.

- (2) Without prejudice to the generality of paragraph (1), a management agreement—
- (a) may impose restrictions on that person as respects the method of cultivating the land, its use for agricultural purposes or the exercise of rights over the land and may impose obligations on that person to carry out works or agricultural or forestry operations or do other things on the land;
  - (b) may contain such incidental and consequential provisions (including provisions for the making of payments by the Department to that person) as appear to the Department to be necessary or expedient for the purposes of the agreement.
- (3) The provisions of a management agreement with any person having an estate in the land shall, unless the agreement otherwise provides, be binding on persons deriving title under or from that person and be enforceable by the Department against those persons accordingly.

**F5** functions transf. by SR 1999/481

#### ***Power of Department to carry out works and provide facilities***

**10.**—(1) The Department may carry out such works or do such other things on land acquired under Article 6<sup>F6, F7</sup> . . . ] as the Department thinks necessary or expedient for the proper management and use of that land for the purpose for which that land was acquired.

(2) Where the Department is of the opinion that the facilities on or in relation to land acquired under Article 6 (other than a nature reserve or a derelict site) are inadequate or unsatisfactory, the Department may, in accordance with arrangements approved by the Department of Finance and Personnel, provide or arrange for the provision of, on or in relation to such land, the following facilities—

- (a) accommodation, meals and refreshments;
- (b) camping sites and caravan parks;
- (c) parking places;
- (d) such other facilities for persons using the land as the Department, after consultation with the Ulster Countryside Committee, may think fit.

(3) Where any land of the kind referred to in paragraph (2) is covered by water, the Department may, in accordance with arrangements approved by the Department of Finance and Personnel, provide or arrange for the provision of facilities for the use by the public of the water for recreation.

(4) Where the Department is of the opinion that the facilities on or in relation to a nature reserve<sup>F7</sup> . . . are inadequate or unsatisfactory, the Department may, in accordance with arrangements approved by the Department of Finance and Personnel, provide or arrange for the provision of, in relation to that reserve<sup>F7</sup> . . . , the following facilities—

- (a) accommodation;
- (b) parking places;
- (c) such other facilities as the Department, after consultation with the Committee for Nature Conservation, may think fit for the purposes of that reserve<sup>F7</sup> . . . .

(5) Paragraphs (2) to (4) shall apply in relation to land subject to a covenant or agreement under Article 8, 9 or 17 as they apply in relation to land acquired by the Department under Article 6 if—

- (a) the agreement or covenant so provides; or

- (b) the owner of the land consents to the Department carrying out works, doing other things, or providing or arranging for the provision of facilities.
- (6) The Department—
  - (a) may, in accordance with arrangements approved by the Department of Finance and Personnel, make charges which are in the opinion of the Department reasonable for facilities provided by the Department under this Article;
  - (b) shall ensure that any charges made for facilities provided pursuant to an arrangement made by the Department under this Article are subject to the approval of the Department.

**F6** 1989 NI 3

**F7** 2002 NI 7

### ***The Ulster Countryside Committee***

*Para. (1) rep. by 1989 NI 3*

- (2) The functions of the Ulster Countryside Committee shall be—
  - (a) advising the Department on matters in respect of which the Department is required to consult the Committee under this Order and on such other matters in connection with this Order as the Department may refer to the Committee;
  - (b) inquiring into and reporting on matters affecting the natural beauty or amenity of any area or place in Northern Ireland.

*Para. (3) rep. by 1989 NI 3*

**F8** functions transf. by 1989 NI 3

**Changes to legislation:**

There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985, PART III.