1992 No. 263

PLANNING

Planning (Listed Buildings) Regulations (Northern Ireland) 1992

Made	*10th June 1992*
Coming into operation . .	*20th July 1992*

The Department of the Environment, in exercise of the powers conferred by Articles 2(2)(**a**), 64(2) and 65(1) of the Planning (Northern Ireland) Order 1972(**b**) and now vested in it (**c**) and in exercise of the powers conferred on it by Articles 2(2)(**d**), 42(5), 45(6) and paragraphs 1, 3, 5(2), 7(5) and 8 of Schedule 1 of the Planning (Northern Ireland) Order 1991(**e**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Planning (Listed Buildings) Regulations (Northern Ireland) 1992 and shall come into operation on 20th July 1992.

(2) In these regulations—

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

"the 1991 Order" means the Planning (Northern Ireland) Order 1991.

Applications for listed building consent or approval of Department

2.—(1) An application for listed building consent or for any approval of the Department required by a condition imposed on a grant of listed building consent shall be made on a form—

(*a*) provided by the Department; and

(*b*) shall contain the particulars required by the form, and be accompanied by a plan sufficient to identify the building to which it relates and such other plans and drawings as are necessary to describe the works which are the subject of the application.

(2) The Department may give directions either generally or in relation to a particular case specifying the kinds of particulars, plans or information to be contained in an application.

(**a**) As substituted by Sch. 5 to S.I. 1991/1220 (N.I. 11); see meaning of "prescribed" in Art. 2(2) of that Order

(**b**) S.I. 1972/1634 (N.I. 17); Art. 65(1) was amended by Sch. 5 to S.I. 1991/1220 (N.I. 11)

(**c**) See S.R.O. (N.I.) 1973 No. 504 Art. 7(1) and S.I. 1976/424 (N.I. 6) Art. 3(1)

(**d**) See definition of "the Department" and "prescribed"

(**e**) S.I. 1991/1220 (N.I. 11)

(3) On receipt of an application the Department shall send an acknowledgement in writing to the applicant.

Duty of Department to consult on applications for listed building consent

3. Before determining an application for listed building consent the Department shall consult—

(*a*) with the district council for the area in which the building is situated; and

(*b*) with the Historic Buildings Council where the application would result in the need to amend any list of buildings of special architectural or historic interest;

and shall, in determining the application, take into account any representations made by those bodies.

Notification of decision

4.—(1) The grant or refusal of listed building consent or of any approval of the Department required by a condition imposed on a grant of listed building consent shall be notified to the applicant in writing within a period of 8 weeks from the date of receipt of the application or such longer period as may be agreed upon in writing between the applicant and the Department.

(2) The Department shall state in the notice of decision its reasons for—

(*a*) any refusal;

(*b*) any decision to attach a condition to a listed building consent.

Applications for consent to execute works without compliance with conditions previously attached

5.—(1) An application for listed building consent for the execution of works to a building without complying with conditions subject to which a previous listed building consent was granted shall be made on a form provided by the Department, and shall—

(*a*) contain such particulars as are required by the form; and

(*b*) be accompanied by a further copy of such plans and drawings as are necessary to describe the works.

(2) Regulations 2(3), 3 and 4 shall apply in relation to an application under this regulation as they apply in relation to an application for listed building consent under regulation 2(1).

Certificates and notices under Article 22 of the 1991 Order

6. Certificates and notices for the purposes of Article 22 of the 1991 Order (notification of applications to certain persons) as applied by paragraph 3, and paragraph 3 as applied by virtue of paragraphs 7(5) and 8, of Schedule 1 to that Order shall be in the form set out in Schedule 1.

Form of notice that a building has become, or ceased to be, listed

7. Notices for the purposes of Article 42(5) of the 1991 Order shall be in the form set out in Schedule 2.

Claims for compensation

8. A claim for compensation made under Article 64(2) (compensation for refusal of consent to alterations, etc) or 65(1) (compensation for revocation or modification of consent) of the 1972 Order shall be made in writing and must be received by the Department within 6 months from the date of making of the decision to which the claim relates, or such extended period as the Department may allow in any particular case.

Revocation

9. The Planning (Listed Buildings) Regulations (Northern Ireland) 1973(**a**) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 10th June 1992.

(L.S.) *E. Hayes*

Assistant Secretary

(a) S.R. & O. (N.I.) 1973 No. 264

PART I

PLANNING (NORTHERN IRELAND) ORDER 1991

Certificate under Article 22 as applied by Schedule 1

Certificate A

I HEREBY CERTIFY that the accompanying application/appeal is made by or on behalf of [Name of applicant/appellant] who is in actual possession of every part of the land to which the said application/appeal relates and is entitled to a fee simple absolute/a fee tail/a life estate/a tenancy of which at least 40 years remain unexpired in the land.

OR

Certificate B

I HEREBY CERTIFY that the accompanying application/appeal is made by or on behalf of [Name of applicant/appellant] who is the trustee of a trust or settlement which affects every part of the land to which the accompanying application/appeal relates and that at the date of the application/appeal—

(*a*) a beneficiciary under the trust or settlement is in the actual possession of every part of the land; and

(*b*) no person other than a beneficiary under the trust or settlement is entitled to enter into the actual possession of any part of the said land within a period of 40 years.

OR

Certificate C

I HEREBY CERTIFY that the requisite notice of the accompanying application/appeal has been given by or on behalf of [Name of applicant/appellant] to each person who, at the beginning of the period of 21 days ending with the date of the said application/appeal was, in relation to all or any part of the land to which the application/appeal relates—

(*a*) a person then in actual possession and is entitled to a fee simple absolute/a fee tail/a life estate/a tenancy of which at least 40 years remains unexpired;

(*b*) the trustee of a trust or settlement where a beneficiary under the trust or settlement was in actual possession and no person other than such a beneficiary was entitled to enter into actual possession within a period of 40 years;

(*c*) a person (not being a person falling within (*a*) or (*b*)) in actual possession;

(*d*) a person (not being a person falling within (*a*) to (*c*)) entitled to enter into actual possession within a period of 40 years.

The persons upon whom notice was served are:—

Name and Address	Interest	Date of service of Notice