1988 No. 5

PLANNING

Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 1988

Made	*11th January 1988*
Coming into operation . .	*1st March 1988*

The Department of the Environment, in the exercise of the powers conferred on it by Articles 14(1) and (2), 16(7), 24, 34, 65(1), 70(1) and 76 of the Planning (Northern Ireland) Order 1972(**a**) (in these regulations referred to as "the 1972 Order") by virtue of Article 4(6) of the Planning (Amendment) (Northern Ireland) Order 1978(**b**) and in exercise of the powers conferred by Article 106(1) of the 1972 Order and now vested in it(**c**) and of every other power enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 1988 and shall come into operation on 1st March 1988.

Interpretation

2. In these regulations—

"the 1978 Order" means the Planning (Amendment) (Northern Ireland) Order 1978;

"the 1982 Order" means the Planning (Amendment) (Northern Ireland) Order 1982(**d**);

"conservation area consent" means consent required by Article 4(2) of the 1978 Order.

Applications

3.—(1) An application to the Department for conservation area consent shall be made on a form issued by the Department and shall be accompanied by a plan sufficient to identify the building to which the application relates and such other plans and drawings as may be necessary to describe the effect of the proposed demolition together with two further copies of the form, plans and drawings.

(**a**) S.I. 1972/1634 (N.I. 17) as amended by Art. 3(3) and Schs. 1 and 2 to S.I. 1982/1537 (N.I. 20). *See also* Art. 16(2) of S.I. 1982/1537 (N.I. 20)
(**b**) S.I. 1978/1048 (N.I. 18) as amended by Sch. 1 to S.I. 1982/1537 (N.I. 20)
(**c**) S.R. & O. (N.I.) 1973 No. 504; S.I. 1976/424 (N.I. 6)
(**d**) S.I. 1982/1537 (N.I. 20)

(2) The period specified for the purposes of Article 24 of the 1972 Order as applied by Article 34 of that Order by virtue of Article 4(6) of the 1978 Order for the giving of notice by the Department of its decision shall be 2 months from the date of receipt of the application by the Department.

(3) The notice shall be in writing and where the Department decides to refuse conservation area consent it shall state its reasons in writing.

Consultations

4.—(1) Before determining any application for conservation area consent the Department shall consult with the district council for the area in which the building to which the application relates is situated.

(2) The Department shall give not less than 14 days' notice to a district council that such application has been made and shall not determine the application until after the expiration of the period of such notice.

Certificates and notices to accompany applications and appeals

5. Certificates and notices issued for the purposes of Article 16(7) of the 1972 Order as applied by Article 34 of that Order by virtue of Article 4(6) of the 1978 Order shall be in the forms set out in Schedule 1.

Claims for compensation and purchase notices

6. A claim for compensation under Article 65(1) of the 1972 Order by virtue of Article 4(6) of the 1978 Order or a purchase notice under Article 70(1) of the 1972 Order as applied by Article 76 of that Order by virtue of Article 4(6) of the 1978 Order shall be in writing and shall be served on the Department within 6 months from the date of the decision in respect of which the claim or notice is made or given.

Exceptions and modifications

7. In relation to buildings to which Article 4 of the 1978 Order applies, the provisions of the 1972 Order which are set out in column (1) of Schedule 2 shall have effect as they have effect in relation to listed buildings subject to—

(*a*) the substitution of ''conservation area consent'' for any reference to ''listed building consent'' and the substitution of ''conservation area enforcement notice'' for ''listed building enforcement notice''; and

(*b*) the exceptions and additional modifications (if any) specified opposite such provisions in column (2) of that Schedule.

Sealed with the Official Seal of the Department of the Environment on 11th January 1988.

(L.S.) *Douglas B. McIldoon*
Assistant Secretary

SCHEDULE 1 regulation 5

PART I

THE PLANNING (NORTHERN IRELAND) ORDERS 1972 AND 1978

THE PLANNING (AMENDMENT) (NORTHERN IRELAND) ORDER 1982

Certificate under Article 16 as applied by Article 34 of the 1972 Order and Article 4(6) of the 1978 Order

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 beneficiary 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 forty 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 any 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 affected by the application/appeal—

(*a*) a person then in actual possession;

(*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*)) 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

OR

Certificate D

1. I HEREBY CERTIFY that the person making the accompanying application/appeal

   (*a*) is unable to issue a certificate in accordance with either Article 16(1)(*a*) or (*b*) of the Planning (Northern Ireland) Order 1972;

   (*b*) has made due enquiries and is of the opinion that he is unable to issue a certificate which would satisfy the requirements of Article 16(1)(*c*) of the said Order for the following reasons:—

   ; and

   (*c*) has given the requisite notice of the said application/appeal to the under-mentioned persons who, at the beginning of the period of 21 days ending with the date of the said application/appeal, were in the actual possession of any part of the land to which the application/appeal relates, namely:—

   Name and Address — Date of service of Notice

2. Notice of the application/appeal has been published in the (title of newspaper) on (date of publication) and a copy of the newspaper in which the notice appeared is enclosed.

Signature of Applicant or Agent .....

Date .....

PART II

THE PLANNING (NORTHERN IRELAND) ORDERS 1972 AND 1978

THE PLANNING (AMENDMENT) (NORTHERN IRELAND) ORDER 1982

Notice of an application for conservation area consent under Article 16, as applied by Article 34 of the 1972 Order and Article 4(6) of the 1978 Order

[Notice for service on individuals]

Proposal to carry out works for demolishing

(*a*) Insert address or location of building — (*a*) .....

TAKE NOTICE that application under the Planning (Northern Ireland) Orders 1972 and 1978 is being made to the Department of the Environment by

(*b*) Insert name of applicant — (*b*) ..... for conservation area consent

If you wish to make representations about the application you should make them in writing to the Department within 14 days from the date of service of this notice.

Signature of Applicant or Agent .....

Date .....