
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations made under the Planning (Northern Ireland) Act 2011 (“the 2011 Act”) update and replace the Planning (Listed Buildings) Regulations (Northern Ireland) 1992 (“the 1992 Regulations”) to take account of that Act.

Regulation 2 sets out how an application for listed building consent must be made and the information which an applicant must provide.

Regulation 3 sets out how an application for approval of the council [or, as the case may be, the Department] required by a condition imposed on the grant of listed building consent must be made and the information which an applicant must provide.

Regulation 4 deals with design and access statements.

Regulation 5 provides for notification to owners under section 42 of the Act and also for related certificates that such notification has or cannot be carried out.

Regulation 6(1) specifies consultation requirements in relation to applications for listed building consent and requires councils to take account of responses received. Regulation 6(2) specifies the period of time within which the Department should respond to a consultation under regulation 6(1).

Regulation 7(1)(a) and (b) requires councils to publish notice of an application for listed building consent in a local newspaper and, where the council maintain one, on their website.

Regulation 7(1)(c) prevents councils from determining an application for listed building consent before the end of 14 days beginning with the date notice of the application was first published in a local newspaper, or 14 days from the date of publication on the council website (where the council maintain one), whichever is the later date.

Regulation 8(1) requires councils, in determining an application for listed building consent, to take account of responses received within 14 days from the date on which the notice is first published in a newspaper, or 14 days from the date of publication on the council website (where the council maintain one), whichever is the later date.

Regulation 8(2) requires councils, in determining an application for listed building consent, to take account of any representation made by the owner of the building (where the applicant is not the owner) and (where the owner makes a representation) to notify them of their decision.

Regulation 9(1) specifies the period of time within which the council should determine applications.

Regulation 9(2) specifies the period of time within which councils should determine applications for approval required by a condition imposed on the grant of listed building consent.

Regulation 9(3) requires councils [or, as the case may be, the Department] to give reasons where they refuse an application:

- for listed building consent, or grant consent subject to conditions;
- for approval required by a condition imposed on a grant of listed building consent or grant approval subject to conditions.

Regulation 10 deals with applications to councils under section 95 (consent to execute works without compliance with conditions previously attached) of the 2011 Act.

Regulation 11 deals with applications to the Department under section 95 of the 2011 Act.

Status: This is the original version (as it was originally made).

Regulation 12 sets out the procedure for claims for compensation for revocation or modification of a consent.

Regulation 13 provides for the use of electronic communication in relation to submission of applications and claims for compensation.

Regulation 14 deals with advertisement of unopposed orders revoking or modifying a consent.

Regulation 15 with Schedule 2 sets out the form of notices to be served on owners or occupiers of buildings that have become, or ceased to be listed.

Regulation 16 applies the regulations to interested councils (defined in section 107(6) of the Act).

Regulation 17 revokes the 1992 Regulations.

A regulatory impact assessment has been prepared in relation to these Regulations. A copy may be obtained from the Department of the Environment, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG or accessed at www.doeni.gov.uk.

The Explanatory Memorandum is available alongside these Regulations on the government's website www.legislation.gov.uk