

SCHEDULE 1

Regulation 5

PART 1

Planning Act (Northern Ireland) 2011

Certificate under section 42 as applied by Chapter 1 of Part 4

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 (insert address or location of building) 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 (insert address or location of building) to which the accompanying application/appeal relates and that at the date of the application/appeal—

- (a) a beneficiary under the trust or settlement 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 (insert address or location of building) 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

Status: This is the original version (as it was originally made).

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 section 42(1)(a) or (b) of the Planning Act (Northern Ireland) 2011;

(b) has made due enquiries and is of the opinion that he is unable to issue a certificate which would satisfy the requirements of section 42(1)(c) of the said Act 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 (insert address or location of building) to which the application/appeal relates, namely:—

Names and Address	Date of Service of Notice
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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 2

PLANNING ACT (NORTHERN IRELAND) 2011

Notice of an application for listed building consent under section 42, as applied by section 87 of the 2011 Act

[Notice for service on individuals]

(a) Insert address or location of building

Proposal to carry out works for (demolishing) (altering) (extending)*

(a).....
TAKE NOTICE that application under the Planning Act (Northern Ireland) 2011 is being made to the [(1)] [Department of the Environment]*by

(b) Insert name of applicant

(b).....
for listed building consent to

(c) Insert description of proposed works

(c).....

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

Signature of Applicant or

Agent.....

Date.....

Notes

*Delete where inappropriate.

(1) Insert name of council.

PLANNING ACT (NORTHERN IRELAND) 2011

Notice of an application for listed building consent under section 42, as applied by section 87 of the 2011 Act

Status: This is the original version (as it was originally made).

[Notice for publication in local newspaper]

(a) Insert address or location of building

Proposal to carry out works for (demolishing) (altering) (extending)*

(a)

NOTICE IS HERBY GIVEN that application under the Planning Act (Northern Ireland) 2011 is being made to the [(1) [Department of the Environment]* by

(b) Insert name of applicant

(b)

for listed building consent.

Any person having an interest in the land or building which entitles him to make representations about the proposed works may make such representations in writing to the [council] [Department]* within 14 days from the date of publication of this notice.

Notes

* Delete where inappropriate.

(1) Insert name of council.

PART 3

PLANNING ACT (NORTHERN IRELAND) 2011

Notice of an appeal against refusal, etc., of listed building consent, under section 42 as applied by sections 87 (as applied by sections 96(6) and 97), of the 2011 Act

[Notice for service on individuals]

(a) Insert address or location of building

Proposal to carry out works for (demolishing) (altering) (extending)*

(a).....
TAKE NOTICE that an appeal under the Planning Act (Northern Ireland) 2011 is being made by

(b) Insert name of applicant

(b).....
against the decision of [(1)] on an application for listed building consent to

(c) Insert description of proposed works

(c).....
.....

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

Signature of Applicant or

Agent.....

Date.....

Notes

* Delete where inappropriate.

(1) Insert name of council.

PLANNING ACT (NORTHERN IRELAND) 2011

Notice of an appeal against refusal, etc., of listed building consent, under section 42 as applied by sections 87 (as applied by sections 96(6) and 97), of the 2011 Act

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

[Notice for publication in local newspaper]

(a) Insert address or location of building

Proposal to carry out works for (demolishing) (altering) (extending)*

(a)

NOTICE IS HERBY GIVEN that an appeal under the Planning Act (Northern Ireland) 2011 is being made by

(b) Insert name of appellant

(b)

against the decision of the [(1)] on an application for listed building consent.

Any person having an interest in the land or building which entitles him to make representations about the appeal may make such representations in writing to the Planning Appeals Commission within 14 days from the date of publication of this notice.

Notes

* Delete where inappropriate.

(1) Insert name of council.

SCHEDULE 2

Regulation 15

NOTICE THAT A BUILDING HAS BECOME LISTED

IMPORTANT – This communication affects YOUR PROPERTY

Planning Act (Northern Ireland) 2011
Buildings of special architectural or historic interest

To:

NOTICE IS HEREBY GIVEN that the building known as.....situated in..... has been included in the list of buildings of special architectural or historic interest in that area, compiled by the Department of the Environment under section 80 of the Planning Act (Northern Ireland) 2011 on

Dated

.....
Authorised Officer

NOTE

Listing of buildings of special architectural or historic interest

The above notice is addressed to you as owner or occupier of the building named, which has been included in one of the lists of buildings of special architectural or historic interest prepared under section 80 of the Planning Act (Northern Ireland) 2011 (“the Act”) by the Department of the Environment (“the Department”). The lists are compiled by the Department as a statutory duty; on the advice of a committee of people including architects and historians interested in historic buildings – the Historic Buildings Council.

This notice does not call for any action on your part unless you propose at any time to demolish the building or to do any works (either to the exterior or to the interior) which would affect its character. In that event you will need to seek “listed building consent”, that is to say, the consent of the council to the work you wish to do. Certain buildings are exempt from this requirement, notably ecclesiastical buildings in use for the time being for ecclesiastical purposes.

You should however note that it is an offence under section 85(1) of the Act to carry out any of those works without obtaining listed building consent. It is also an offence under section 85(5) to fail to comply with any condition attached to a listed building consent. A conviction for an offence could result in a fine, imprisonment or both.

Where works which are urgently necessary in the interests of safety or of health or for the preservation of the buildings are carried out without consent it is a defence to prove that—

- (a) it was not practicable to secure safety or health or the preservation of the building by works of repair or works for affording temporary support or shelter;
- (b) the works carried out were limited to the minimum measures immediately necessary; and
- (c) notice in writing justifying in detail the carrying out of works was given to the council as soon as reasonably practicable (section 85(7) of the Act).

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

Your attention is drawn to section 80(7) of the Act which provides that objects or structures described in that section within the curtilage of a listed building are entitled to the same protection as the building.

There is no right of appeal as such against the listing of a building but if the council should refuse consent for the carrying out of any proposed works, or grant it subject to condition, section 96 of the Act provides a right of appeal to the Planning Appeals Commission. You are not precluded at any time from writing to the Department claiming that the building should cease to be listed on the ground that it is not in fact of special architectural or historic interest; and any such claim, with the evidence supporting it, will be carefully considered.

If at any time you propose to take any action which may affect the character of your building, you should refer to the provisions of Chapter 1 Part 4 of the Act and the Planning (Listed Buildings) Regulations (Northern Ireland) 2015. Further details can be obtained from your council

NOTICE THAT A BUILDING HAS CEASED TO BE LISTED

IMPORTANT – This communication affects YOUR PROPERTY

Planning Act (Northern Ireland) 2011
Buildings of special architectural or historic interest

To:

NOTICE IS HEREBY GIVEN that the building known as..... situated
in..... has, by an amendment made by the Department of the Environment
under section 80 of the Planning Act (Northern Ireland) 2011 on been excluded
from the list of buildings of special architectural or historic interest in that area compiled by the
Department on

Dated

.....
Authorised Officer

NOTE

The building referred to in the above notice has been excluded from the list because*

*insert reason for exclusion