

THE BUILDING ACT 1984 - SECTION 81 – CONSENT NOTIFICATION

BUILDING CONTROL - DEMOLITION CONSENT CERTIFICATE



Reference Number: DM/2122/0007

To: MR & MRS T & J LATHAM

WHEREAS by Notice given to Wrexham County Borough Council (hereinafter called the Council) under Section 80 of the Building Act 1984 received **08/02/2022** you did give Notice of intention to demolish:

Site Location: BRONYDD QUARRY ROAD GLYN CEIRIOG WREXHAM LL20 7DA

TAKE NOTICE that Wrexham County Borough Council pursuant to Section 81 of the Building Act, 1984 HEREBY REQUIRE you within **six weeks** from the date of the service of this notice on you to take the following action, that is to say:

- (a) To disconnect and seal, at such points as the Council may reasonably require, any such sewer or drain in or under the building
- (b) To remove any sewer or drain and seal any sewer or drain with which the sewer or drain to be removed is connected
- (c) To make good to the satisfaction of the Council the surface of the ground disturbed by anything done under paragraph (a) or paragraph (b)
- (d) To repair and make good any damage to an adjacent building caused by the demolition or by the negligent act or omission of any person engaged in it
- (e) To remove material or rubbish resulting from the demolition and clearance of the site
- (f) To make arrangements with the relevant statutory undertakers for the disconnection of the supply of gas, electricity and water to the building
- (g) To make such arrangements with regard to the burning of structures or materials on the site as may be reasonably required:-
 - (i) if the building is or forms part of special premises, by the Health and Safety Executive and the fire authority, and
 - (ii) in any other case, by the fire authority
- (h) To take such steps relating to the conditions subject to which the demolition is to be undertaken and the condition in which the site is to be left on completion of the demolition as the Council may consider reasonably necessary for the protection and the preservation of public amenity.
- (i) To ensure transport, noise level and dust are kept to a minimum.
- (j) *As this work is being carried out in a residential area, no work is to take place at weekends or public bank holidays and work must not commence on site prior to 8:30am or after the hours of 6pm Monday to Friday.*
- (k) *All notices and safety signage on site including temporary notices relating to the demolition must be bilingual.*

Before you comply with any requirements of paragraph (a) or (b) above, you must give at least 48 hours notice to the Council. Before you comply with paragraph (c) above, you must give at least 24 hours notice to the council. Failure to give such notice will incur liability to a fine not exceeding level 2 on the standard scale.

Attention is directed to the provisions of Section 82(2), (4) and (5) and Section 83(1), (2) and (3) of the Building Act 1984 set out overleaf. Any appeal in pursuance of these provisions should be made to a Magistrates' Court and must be brought within 21 days from the date of the service on this notice.

DATED this 09/03/2022

Signed

Lawrence Isted, Prif Swyddog Cynllunio a Rheoleiddio/Chief Officer Planning & Regulatory

**BUILDING ACT, 1984 - Section 82(2), (4) and (5)
and Section 83(1), (2) and (3)**

- 82 - (2) No one shall be required under paragraph (a), (b) or (c) of subsection (1) above to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to Section 101 below the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.
- (4) This section does not authorise interference with apparatus or works of statutory undertakers authorised by an enactment to carry on an undertaking for the supply of electricity, gas or water.
- (5) Without prejudice to the generality of subsection (4) above, this section does not exempt a person from:
- (a) an obligation to obtain any consent required under section 67 of Schedule 3 to the Water Act 1945 (interference with valves and other apparatus) or section 68 of that Schedule (alterations to supply pipes and other apparatus).
 - (b) criminal liability under any enactment relating to the supply of gas or electricity.
 - (c) the requirements of regulations under section 31 of the Gas Act 1972 (Public Safety).
- 83 - (1) Section 102 below applies in relation to a notice given under Section 81 above.
- (2) Among the grounds on which an appeal may be brought under Section 102 below against such a notice are:-
- (a) in the case of a notice requiring a adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building that is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up;
 - (b) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed that the owner of the adjacent building ought to pay, or contribute towards the expenses of weatherproofing those surfaces.
- (3) Where the grounds on which an appeal under Section 102 below is brought include a ground specified in subsection (2) above:
- (a) the appellant shall serve a copy of his notice on the person or persons referred to in the ground of appeal; and
 - (b) On the hearing of the appeal the court may make such order as it thinks fit:-
 - (i) in respect of the payment of, or condition towards, the cost of the works by any such person, or
 - (ii) as to how any expenses that may be recoverable by the local authority are to be borne between the appellant and any such person.

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BUILDING ACT, 1984 - Section 102

Appeal against notice requiring works.

- 102 - (1) Where a person is given notice in relation to which it is declared by any provision of this Act that this section applies, he may appeal to a Magistrates' Court on any of the following grounds that are appropriate in the circumstances of the particular case:-
- (a) that the notice or requirement is not justified by the terms of the provision under which it purports to have been given.
 - (b) that there has been some informality, defect or error in, or in connection with, the notice,
 - (c) that the authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary,
 - (d) that the time within which the works are to be executed is not reasonable sufficient for the purpose,
 - (e) that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served,
 - (f) where the works are works for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.
- (2) If and insofar as an appeal under this section is based on the ground of some informality, defect or error in or in connection with the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.
- (3) The appellant:-
- (a) shall, where the grounds upon which the appeal is brought include a ground specified in subsection (1)(e) or (f) above, serve a copy of his notice of appeal on each other person referred to, and
 - (b) may, in the case of any appeal under this section, serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question, and on the hearing of the appeal the court may make such order as it thinks fit with respect to:
 - (i) the person by whom any works are to be executed and the contribution to be made by any other person towards the cost of the works, or
 - (ii) the proportions in which any expenses that may become recoverable by the local authority are to be borne by the appellant and such other person.
- (4) In exercising its powers under subsection (3) above, the court shall have regard:-
- (a) as between owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works required, and
 - (b) in any case, to the degree of benefit to be derived by the different persons concerned.
- (5) This section has effect subject to any modification specified in the provision under which the notice is given.

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