

## Demolition Notice Guidance Notes

### **Building Act 1984**

**Section 80:** Requirement to give local authority notice of intended demolition.

**Section 81:** Power of local authority to serve notice concerning demolition.

**Section 82:** Contents of notices under Section 81.

**Section 83:** Appeals.

1. Notice of intended demolition, except in respect of buildings described in paragraph 4, must be given to the Council before demolition and the demolition must not be commenced until either:-
  - (a) the Council have served notice under Section 81; or
  - (b) the period of six weeks from the giving of notice of intended demolition has expired. (This period may be extended in writing by the person who gave that notice).

If work of demolition is started before permitted, then the person in contravention shall be guilty of an offence and liable on summary conviction to a fine.

It is the normal practice in this district for the Council to serve notice under Section 81. Such notice will usually be served well within the six week period, unless the work is particularly complicated or staff shortages/ commitments arise.

2. A copy of the notice of intended demolition should also be sent or given to:-
  - (a) the occupier of any building adjacent to the building to be demolished;
  - (b) the relevant public gas supplier; and
  - (c) the relevant public electricity supplier and any other person authorised by a licence to supply electricity to the building.
3. The notice which the Council will serve under Section 81 may require the person on whom it is served:-
  - (a) to shore up any building adjacent to the building to which the notice relates;
  - (b) to weatherproof any surfaces of an adjacent building which are exposed by the demolition;
  - (c) 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;
  - (d) to remove material or rubbish resulting from the demolition and clearance of the site;
  - (e) to disconnect and seal, at such points as the local authority may reasonably require, any sewer or drain in or under the building;
  - (f) to remove any such sewer or drain, and seal any sewer or drain with which the sewer or drain to be removed is connected;
  - (g) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (e) or paragraph (f) above;
  - (h) to make arrangements with the relevant statutory undertakers for the disconnection of the supply of gas, electricity and water to the building;
  - (i) to make such arrangements with regard to the burning of structures or materials on the site as may be reasonably required:-
  - (j) 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; and (j) to remove any asbestos found in building(s) and to dispose of such asbestos in a safe and satisfactory manner;
  - (k) to ensure noise from the site does not cause nuisance;
  - (l) to ensure that the site is left in such a condition which does not, or is not likely to, become detrimental to the public;
  - (m) to ensure that the site is effectively fenced and secured against entry at all times;
  - (n) To provide a method statement of the demolition as to the extent and nature of protection of the public, removal of debris, correct filling of the basements and method of shoring/weather protection of adjacent properties;

- (o) Adequate and suitable provision in the form of water sprays should be used to reduce dust nuisance during demolition work.
- 4.** Notice of intended demolition is not required in respect of any demolition of the whole or part of a building in the following categories:-
- (a) a demolition in pursuance of a demolition order made under Part IX of the Housing Act 1985; and
  - (b) a demolition –
    - (i) of an internal part of a building, where the building is occupied and it is intended that it should continue to be occupied;
    - (ii) of a building that has a cubic content (as ascertained by external measurement) of not more than 1,750 cubic feet, or, where a greenhouse, conservatory, shed or prefabricated garage forms part of a larger building, of that greenhouse, conservatory, shed or prefabricated garage; or (iii) without prejudice to sub-paragraph (ii) above, of an agricultural building (within the meaning of any of paragraphs 3 to 7 of Schedule 5 to the Local Government Finance Act 1988), unless it is contiguous to another building that is not itself an agricultural building or a building of a kind mentioned in that subparagraph.

This form has been prepared to assist persons to give such notice. The notice may however be in any suitable written form, with copies to the persons / organisations mentioned at 2. above.

(The non-possession of the prepared forms is not acceptable as a reason for not giving written notice).

Details of appeal procedure against a Section 81 notice will be given on the notice.