

1989 No. 129

LAND DEVELOPMENT VALUES

Planning Blight Regulations (Northern Ireland) 1989

Made 5th April 1989

Coming into operation 7th May 1989

The Department of the Environment, in exercise of the powers conferred on it by Articles 5(1), 6(1), 12(1) and 14(1) of the Planning Blight (Compensation) (Northern Ireland) Order 1981(a) (hereinafter referred to as "the Order") and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Planning Blight Regulations (Northern Ireland) 1989 and shall come into operation on 7th May 1989.

Blight notices and counter-notices

2. (a) a blight notice for the purposes of Article 5 of the Order,
(b) a mortgagee's blight notice for the purposes of Article 12 of the Order,
(c) a personal representative's blight notice for the purposes of Article 14 of the Order,
(d) a counter-notice for the purposes of Article 6 of the Order,
shall be as set out in Forms 1, 2, 3 and 4 respectively in the Schedule.

Revocation

3. The Planning Blight Regulations (Northern Ireland) 1978(b) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 5th April 1989.

(L.S.)

Douglas B. McIlldoon
Assistant Secretary

(a) S.I. 1981/608 (N.I. 16)
(b) S.R. 1978 No. 333

SCHEDULE

FORM 1

PLANNING BLIGHT (COMPENSATION) (NORTHERN IRELAND) ORDER 1981

Blight Notice

To: [1]
at [2]
I [3]

pursuant to the provisions of Article 5 of the Planning Blight (Compensation) (Northern Ireland) Order 1981 (hereinafter called "the Order") HEREBY GIVE YOU NOTICE:—

1. I am entitled to the interest set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto.
2. [The] [Part of the]* hereditament or agricultural unit has been included in land falling within paragraph [4] of Article 3 of the Order.
3. I have made reasonable endeavours to sell the said interest but in consequence of the fact that it was, or was likely to be, so included, I have been unable to sell it except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, so included. Particulars of these endeavours are set out [below] [in the letter accompanying this notice].* [5]
4. The said interest qualifies for protection under the Order because [6]

EITHER

[it is that of resident owner-occupier, within the meaning of Article 4(2) of the Order.]*

OR

[it is that of owner-occupier, within the meaning of Article 4(3) of the Order, of an agricultural unit.]*

OR

[it is that of owner-occupier, within the meaning of Article 4(4) of the Order, of a hereditament the annual value of which does not exceed £2,250.]*

5. [The] [The part of the]* agricultural unit in which I am entitled to an interest contains land which does not fall within any of the descriptions set out in Article 3 of the Order as well as land that does so and that area which is unaffected is not reasonably capable of being farmed either by itself or in conjunction with other relevant land (as defined in Article 9(2) of the Order) as a separate agricultural unit.]*
6. [I therefore require you to purchase my interest in the hereditament or agricultural unit.]*

OR

[I therefore require you to purchase my interest in [the whole of the agricultural unit] [the whole of that part of the agricultural unit to which this notice relates].]*
[⁸].

FIRST SCHEDULE

Particulars of interest in land, together with names and addresses of any mortgagees thereof and a note of any other encumbrances thereon.

SECOND SCHEDULE

Particulars of the hereditament or agricultural unit. A plan should be attached to identify the land if this is necessary.

Dated Signed [⁹]

*Delete where inappropriate.

FORM 2

PLANNING BLIGHT (COMPENSATION) (NORTHERN IRELAND)
ORDER 1981**Mortgagee's Blight Notice**

To: [1]

at [2]

I [3]

pursuant to the provisions of Article 12 of the Planning Blight (Compensation) (Northern Ireland) Order 1981 (hereinafter called "the Order") HEREBY GIVE YOU NOTICE:—

1. I am entitled as mortgagee (by virtue of a power which has become exercisable) to sell the interest (hereinafter called "the said interest") set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto, giving immediate vacant possession of the land.
2. [The] [Part of the]* hereditament or agricultural unit has been included in land falling within paragraph [4] of Article 3(1) of the Order.
3. I have made reasonable endeavours to sell the said interest but in consequence of the fact that it was, or was likely to be, so included, I have been unable to sell it except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, so included. Particulars of these endeavours are set out [below] [in the letter accompanying this notice].* [5]
4. The person entitled (otherwise than as mortgagee) to the said interest [6]

EITHER

[is either a resident owner-occupier of a hereditament within the meaning of Article 4(2) of the Order or was such a resident owner-occupier on an earlier date not more than six months before the service of this notice, on which earlier date, namely , the particulars in paragraph 2 above were correct in relation to the hereditament.]* [7]

OR

[is either an owner-occupier, within the meaning of Article 4(3) of the Order, of an agricultural unit or was such an owner-occupier on an earlier date, not more than six months before the service of this notice, on which earlier date, namely , the particulars in paragraph 2 above were correct in relation to the agricultural unit.]* [7]

OR

[is either an owner-occupier, within the meaning of Article 4(4) of the Order, of a hereditament the annual value of which does not exceed £2,250 or was such an owner-occupier on an earlier date, not more than six months before the service of the notice, on which earlier date, namely , the particulars in paragraph 2 above were correct in relation to the hereditament.]* [7]

- 5. [The] [The part of the]* agricultural unit in which the said interest is held contains land which does not fall within any of the descriptions set out in Article 3 of the Order as well as land that does so and that area which is unaffected is not reasonably capable of being farmed either by itself or in conjunction with other relevant land (as defined in Article 9(2) of the Order) as a separate agricultural unit.]*
- 6. [I therefore require you to purchase the said interest in the hereditament or agricultural unit.]*

OR

[I therefore require you to purchase the said interest in [the whole of the agricultural unit] [the whole of that part of the agricultural unit to which this notice relates].]* [8]

FIRST SCHEDULE

Particulars of interest in land, together with names and addresses of any other known mortgagees thereof and a note of any other encumbrances thereon known to the claimant.

SECOND SCHEDULE

Particulars of the hereditament or agricultural unit. A plan should be attached to identify the land if this is necessary.

Dated Signed [9]

*Delete where inappropriate.

FORM 3

PLANNING BLIGHT (COMPENSATION) (NORTHERN IRELAND)
ORDER 1981**Personal Representative's Blight Notice**

To: [1]

at [2]

I [3]

pursuant to the provisions of Article 14 of the Planning Blight (Compensation) (Northern Ireland) Order 1981 (hereinafter called "the Order") HEREBY GIVE YOU NOTICE:—

1. I am the personal representative of a person ("the deceased") who at the date of his death was entitled to the interest (hereinafter called "the said interest") set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto.
2. [The] [Part of the]* hereditament or agricultural unit was on the date of the deceased's death included in land falling within paragraph [4] of Article 3(1) of the Order.
3. I have made reasonable endeavours to sell the said interest but in consequence of the fact that it was, or was likely to be, so included, I have been unable to sell it except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, so included. Particulars of these endeavours are set out [below] [in the letter accompanying this notice].* [5]
4. One or more individuals are (to the exclusion of any body corporate) beneficially entitled to the said interest.
5. The deceased at the date of his death [6]

EITHER

[was a resident owner-occupier, within the meaning of Article 4(2) of the Order.]*

OR

[was an owner-occupier, within the meaning of Article 4(3) of the Order, of an agricultural unit.]*

OR

[was an owner-occupier, within the meaning of Article 4(4) of the Order, of a hereditament the annual value of which did not exceed £2,250.]*

- [6. [The] [The part of the]* agricultural unit in which the deceased was entitled to an interest contains land which does not fall within any of the descriptions set out in Article 3 of the Order as well as land that does so and that area which is unaffected is not reasonably capable of being farmed either by itself or in conjunction with other relevant land (as defined in Article 9(2) of the Order) as a separate agricultural unit.]*

7. [I therefore require you to purchase the said interest in the hereditament or agricultural unit.]*

OR

[I therefore require you to purchase the deceased's interest in [the whole of the agricultural unit] [the whole of that part of the agricultural unit to which this notice relates].]* [8]

FIRST SCHEDULE

Particulars of interest in land, together with names and addresses of any mortgagees thereof and a note of any other encumbrances thereon known to the claimant.

SECOND SCHEDULE

Particulars of the hereditament or agricultural unit. A plan should be attached to identify the land if this is necessary.

Dated Signed [9]

*Delete where inappropriate.

Notes to Forms 1, 2 and 3

[1] Insert name of authority to be served.

[2] Insert principal address of authority.

[3] Insert full name and address of claimant.

[4] Insert which paragraph.

[5] Particulars of the steps taken to sell the land should be given here or in an accompanying letter and should include dates, price asked and any offers received.

[6] The claimant should choose which paragraph is to form part of the notice and delete the other two.

[7] Within the paragraph chosen, underline those words after "either" which are appropriate to the case.

[8] The second alternative paragraph applies only to agricultural units coming within the description set out in the preceding paragraph of the notice (where appropriate). The claimant should choose which alternative is to form part of the notice and delete the other.

[9] Signature of claimant.

FORM 4

PLANNING BLIGHT (COMPENSATION) (NORTHERN IRELAND) ORDER 1981

Counter-Notice objecting to Blight Notice

To: [1]
THE [2]

HEREBY GIVE YOU

NOTICE under Article 6 of the Planning Blight (Compensation) (Northern Ireland) Order 1981 that they OBJECT to the blight notice served by you on 19 under [Article 5] [Article 12] [Article 14]* of that Order in respect of the [hereditament] [agricultural unit]* described as [3]

The grounds on which objection is taken are [4]

Dated:
On behalf of [2]

Signed

Note: If you do not accept this objection, you may require the objection to be referred to the Lands Tribunal under the provisions of Article 7 of the above mentioned Order. In that case you should notify the Registrar, The Lands Tribunal, Royal Courts of Justice (Ulster), Chichester Street, Belfast BT1 3JJ, within two months of the date of service of this notice.

Notes to Form 4

- [1] Insert name and address of addressee.
- [2] Insert name of authority.
- [3] Insert particulars.
- [4] Specify the grounds on which the authority object to the notice (being one or more of the grounds specified in Articles 6(2), 10(1) or 14(3) of the Planning Blight (Compensation) (Northern Ireland) Order 1981).

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace the Planning Blight Regulations (Northern Ireland) 1978, to bring the statutory references in them and in the forms of blight notice and counter-notice contained in them into conformity with the Planning Blight (Compensation) (Northern Ireland) Order 1981.

The forms of blight notice have been amended to provide for claims to include land in an agricultural unit which although not affected by the blight is held with other land and is not either by itself or in conjunction with that other land reasonably capable of being farmed as an agricultural unit.

Some drafting amendments have also been made.