
STATUTORY INSTRUMENTS

1981 No. 158

Clean Air (Northern Ireland) Order 1981

Height of chimneys

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14.—(1) Where it is proposed to erect a chimney (other than a chimney of a building used or to be used wholly for one or more than one of the following purposes, that is to say as a residence or residences, a shop or shops or an office or offices) or a chimney to which Article 15 applies for carrying smoke or grit and dust or gases, plans for that chimney (showing also where it is to be erected) shall be submitted to the district council for its approval for the purposes of this Article.

(2) The provisions of Schedule 1 shall, subject to the provisions of this Article, apply in relation to an application for approval by the district council of plans submitted to that council pursuant to this Article.

(3) The district council shall not approve plans submitted to that council pursuant to this Article unless it is satisfied that the height of the chimney as shown on the plans will be sufficient to prevent, so far as practicable, the smoke or grit and dust or gases from becoming a nuisance or prejudicial to health having regard to—

- (a) the purpose of the chimney;
- (b) the position and description of buildings near to it;
- (c) the levels of the neighbouring ground; and
- (d) any other matters requiring consideration in the circumstances.

(4) Where a chimney to which paragraph (1) applies is erected otherwise than in accordance with plans approved by the district council for the purposes of this Article the district council may—

- (a) cause so much of that erection as has been so carried out to be altered, pulled down or removed;
- (b) recover summarily, from the person who caused that erection to be carried out, any expenses incurred by the district council in the carrying out of work of the kind referred to in sub-paragraph (a).

Changes to legislation:

There are currently no known outstanding effects for the Clean Air (Northern Ireland) Order 1981, Section 14.