



Demolition Building Act 1984 Sections 80-83



Before any preliminary work for demolition takes place, the relevant legislation which must be observed and followed including:

- The Building Act 1984
- Town & Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Health & Safety at Work etc Act 1974
- Management of Health & Safety at Work Regulations 1992
- Construction (Design and Management) Regulations 1994

The Building Act 1984 Section 80

Intended Demolition:

Any person who intends to carry out the demolition of a building must inform the local authority in writing. Legally no one can start demolition work unless the local authority has been notified. The notification must specify the building to which it relates, and the work of demolition intended to be carried out, but this is not required to be set out on a special form. A description of the proposed demolition could be incorporated on an accompanying building regulation submission form or building notice.

Failure to recognise an appropriate notice in such circumstances may prevent the local authority from serving a 'Demolition Notice'. The person

notifying the local authority must send a copy of the notification to:

- a) *The occupier of any building adjacent to the building to be demolished;*
- b) *Any public gas supplier in whose authorised area the demolition is taking place;*
- c) *The public electricity supplier in whose authorised area the building is situated, and;*
- d) *Any other person authorised by a licence to supply electricity.*

Demolition may legally commence after the authority has issued a Demolition Notice under Section 81, or if the authority has failed to issue a Demolition Notice within six weeks of the date of service of the notice of intent. Where demolition has commenced without pre-notification to the local authority, an offence will have been committed and this could result in a conviction in the Magistrates Court. However, this does not prevent the authority serving its Demolition Notice and instigating proceedings for a fine.

Interpretation of Terms in Section 81 The Building Act 1984

Relevant Period

The notice served by the local authority must be issued within 'the relevant period'. Where a person proposing demolition has served notice upon the local authority under Section 80, the period is six weeks.

Adjacent Premises

The 'owner' and 'occupier' of adjacent premises must be served with a copy of the Section 81 notice. It is important that this is served on the relevant persons so that those who may be affected are aware of the situation.

Statutory Undertaker

If any services of any statutory undertaker are to be disconnected due to the demolition, then a copy of the notice must be presented to the particular statutory undertaker(s), i.e. in respect of the disconnection of:

- Gas supply;
- Electricity supply; and
- Water supply.

Section 81 Notice Content

The Demolition Notice served under Section 81 of the Building Act may require all or any of the following works:

- a) *To shore up any building adjacent to the building to which the notice relates.*
- b) *To weatherproof any surfaces of an adjacent building that 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 paragraphs e) or 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-
 - if the building is or forms part of special premises, by the Health and Safety Executive and the fire authority, and
 - in any other case, by the fire authority, and
- j) 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 local authority may consider reasonably necessary for the protection of the public and the preservation of public amenity.



The Town and Country Planning Act, and other relevant legislation.

Works involving demolition may also require consent under the Town and Country Planning Act 1990 (as amended). Different types of demolition e.g a small porch and a large warehouse, will involve different rules and procedures.

The planning system is taking a proactive approach towards sustainable construction, by prioritising the need to minimise construction and demolition waste, and maximising the potential for re-using and recycling all materials involved in any demolition and redevelopment schemes. In support of any applications involving demolition, information and evidence will need to be submitted, which could include structural surveys and statements about the potential for recycling of materials. Providing a Building Act notification is insufficient to comply with the Town and Country Planning Act procedures.

You should also check whether there are any other special consents required, e.g listed building; wildlife species licence.

Further information can be obtained from the Planning Department and Local Planning Guidance note No.22 Sustainable Building

This leaflet is available in alternative formats



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