

**Submission by the Institute of Historic Building Conservation (IoHBC) to the Committee for Agriculture, Environment and Rural Affairs' (AERA) public consultation on the Dilapidation Bill**



The **Institute of Historic Building Conservation (IoHBC)** is the professional body for conservation practitioners that exists to establish, develop, and maintain the highest standards of conservation, support the effective protection of the historic environment, and promote heritage-led regeneration and access to the historic environment for all.

It is organised through a network of regional branches throughout the UK with connections with the Republic of Ireland. In Northern Ireland IoHBC members come from a range of professional disciplines, including conservation officers, architects, engineers, archaeologists, practitioners, historians and academics. IoHBC NI offers training and resources to its members and the wider conservation community by hosting events to promote best practice in conservation, traditional building techniques and adaptive re-use of historic buildings.

On behalf of the IoHBC NI we would like to thank you for the opportunity to respond to this consultation on the Dilapidation Bill as set out below.

### **Introduction**

The IoHBC broadly welcomes the measures in this Bill to encourage the care and regeneration of our built environment but we do have some concerns about potential unintended consequences on existing historic fabric and believe the safeguards outlined in Clause 17 of the Bill need further consideration.

As set out in Clause 4, one of the ways that an owner can meet the requirements of a Dilapidation Notice is by demolition of the building in whole or in part, and the same is provided for under the Dangerous Structure Notice in Clause 7.

There is an existing provision under the Building Regulations for a Council to serve a Dangerous Structures Notice and there are recorded instances where properties of heritage value have been demolished without the normal statutory approvals in the Planning Act for consent to demolish a Listed Building or a building in a Conservation Area or Area of Townscape Character.

It is crucial that the new Dilapidations Bill does not encourage or facilitate demolition or other loss of heritage buildings simply because it is easier to address decay by demolition rather than repair. Clause 17 is designed to address this issue, but we do not feel it is sufficiently robust as currently drafted.

### **Clause 17**

17 (1) requires the council to consult with their own Conservation Officer or DfC Historic Environment Division (as further commented on below), but it does not commit the council to acting on their advice. We would suggest that such a consultation should not in any way diminish the provisions of the Planning Act (and as further detailed in Planning Policy Statement 6 or Local Development Plans) for assessing applications for consent to demolish a Listed Building or a building in a Conservation Area or Area of Townscape Character and that is made clear in this Bill.

17 (1) (a) requires the council to consult with the 'officers of the council who exercise the council's functions in relation to heritage sites'. In practice this is the council's designated Conservation Officer. IHBC have long standing concerns about the built heritage experience, expertise and professional development support for many of the council officers who currently fulfil this role. If they are to be given extra responsibilities under the Dilapidations Bill, then we would recommend that support is given to at least one Conservation Officer in each council to be Accredited in Conservation through their own professional body as appropriate or through the IHBC. This would be commonplace in England, Scotland and Wales, but rare in Northern Ireland. IHBC would be pleased to provide further detail on this if required.

In the absence of a professionally accredited Conservation Officer or if they feel they need assistance, the council should be empowered to take specialist professional advice and the cost of this would be an eligible cost for the council to claim back from the owner or through a charge on the land, as provided for in relation to other costs incurred, as set out in Clauses 12-14

17 (1) (b) requires the council to consult with DfC officers (in practice the conservation architects within Historic Environment Division) 'in the case of a heritage site which is an historic monument'. This requirement needs to be expanded to include listed buildings as well as historic monuments so the text should read 'in the case of a heritage site which is an historic monument or listed building'.

The consultation should also apply in regard to the impact of a notice on the 'setting' of a listed building as demolition of unlisted buildings with heritage character could adversely impact on the setting of the listed building. This is a requirement under the Planning Act and so the Dilapidation Bill needs to be compatible with that.

### **Other Comments**

The proposed Dilapidation Bill could be seen as purely the 'stick' approach to protecting built heritage but it should be seen in conjunction with 'carrots' to support owners in repair and regeneration.

The Heritage at Risk Register (HARNI) identifies properties of architectural or historic significance across the region that are at risk or under threat and councils should be encouraged to use this mechanism to assist owners or potential owners in taking on heritage buildings for repair and re-use. Such support could be strengthened by co-ordination of available grant aid through, for example, the Historic Environment Fund, the Village Catalyst Programme Urban Development Grants and Lottery Heritage Fund initiatives.

Council Conservation Officers could be empowered to bring together initiatives in rating policy, planning policy, regeneration funding, listed building regulations, climate change commitments and available grant aid, to work hand in hand with their regulatory powers under this Bill, thus increasing the chances of resources being directed towards regeneration rather than simply demolition and removal of decay.

### **Further information**

If you have any queries about this consultation response, please contact  
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