

## **Briefing Paper on the impact of the Proposed Dilapidation Bill on Historic Buildings.**

### **Submitted to the Committee for Agriculture, Environment and Rural Affairs by the Historic Environment Division of the Department for Communities.**

- The Historic Environment includes all aspects of the environment resulting from the interaction between people and place over time. DfC Historic Environment Division records, protects, conserves and promotes Northern Ireland's historic environment. Our aim is to help communities to enjoy and realise the value of our historic environment.
- Just over 9,000 structures are protected as listed buildings in Northern Ireland and 2,000 protected as scheduled historic monuments. Almost 10% of Northern Ireland's listed buildings are on our Heritage at Risk Register. This means that we are concerned that they may be at risk of loss. This may be because they are vacant and vulnerable, but in most cases, it is also because they are also in poor condition.
- Because it is an offence under Section 85 of the Planning Act (NI) 2011 to demolish or alter the character of a listed building without consent from a Planning Authority, and an offence under Article 4 of the Historic Monuments and Archaeological Objects (NI) Order 1995 to demolish a scheduled monument, the number of demolitions of listed buildings and scheduled monuments each year is low.
- However, on occasion, the issue of a dilapidation notice under current legislation has resulted in the demolition of a listed building without the required Listed Building Consent. This is because such a notice currently says that an owner must '*take down, secure, or repair*' and makes no reference to the need to obtain any other permissions. It also gives councils no scope to seek repairs without demolition.

- This Division has worked with colleagues in DAERA since this bill was initiated and we are supportive of the Bill as proposed. It addresses our two main concerns by allowing councils to issue notices where it *‘does not consider demolition necessary, to carry out the work specified in the notice’* and it also clearly states that: *‘Nothing in this section exempts an interested person from the obligation to comply with any other statutory provision relating to the condition of the building’*.
- However, Section 85 of the Planning Act (NI) 2011 that requires Listed Building Consent for alterations or demolitions does not strictly relate to ‘condition’, it relates to ‘architectural or historic character’ **so, while the intention appears to be clear, there may be an opportunity to strengthen the drafting in the Dilapidation Bill by revisiting the reference to ‘condition’ in clause 4(5).**
- We understand that the word ‘condition’ needs to be inserted because if the reference was removed, then an ‘interested person’ would be obliged to comply with all statutory provisions in relation to the building which may not be the policy intention. For example, if a building is in a state of disrepair, it may not be possible to comply with all health and safety requirements.
- It might, therefore, be better to be explicit that *‘Nothing in this section exempts an interested person from the obligation to comply with any other statutory provision relating to the condition of the building or from statutory heritage controls relating to Listed Buildings, Conservation Areas, and Scheduled Monuments’*.
- The Division would also like to express its support for the provision in the Bill to have a series of tools available to Councils to tackle this issue. We feel that this will allow scope for use and familiarity with the legislation and help ensure that this becomes an effective way of tackling dilapidation across Northern Ireland.

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