

Introduction

Retail NI is the leading representative organisation for the retailer, supplier and wholesale sector in Northern Ireland, providing professional advice and giving a voice to the independent sector at all levels of government.

We welcome the opportunity to respond to the committee request for views on the Dilapidation Bill, currently being brought forward by the Department for Agriculture, Environment and Rural Affairs.

Our comments focus on dilapidation in commercial environments, impacting the independent retail sector and its customers/suppliers.

Background

Dilapidation is a major issue across many villages, towns and cities across Northern Ireland. It develops for a range of reasons but to date, the statutory response has been inadequate and inconsistent, and this has emboldened many of those who should be properly maintaining their property, to fail to do so.

Our high streets face a number of challenges, identified in the High Street Taskforce Report¹. Dilapidation should also be regarded as one of these. Many independent retailers have struggled to compete not only with out-of-town and online competition, but also with dilapidated buildings and poor public realm, which harms the reputation of an area and often puts people off visiting a destination. Efforts to address this such as shopfront improvement schemes by local councils are merely sticking plaster solutions and while a novelty approach at the beginning, have merely become symbols of decay in the minds of many. Many of these signs themselves are damaged and become unkempt over time, and eventually become part of the problem.

As you will be aware, there are many strategies designed to drive economic and social regeneration. However, policymakers must get basic infrastructure right such as tackling dilapidation, investing in high quality public realm and basic cleansing. The challenges faced in recent years by Belfast City Council around its city centre, demonstrate that all these issues are interlinked and must be tackled as such. Site owners also have a role to play, and those who act responsibly, appreciate the wider importance of keeping well maintained properties. With this in mind we would like to understand how the planning system could be more effectively used to tackle dilapidation.

Finally, we ask you to note that when we consider the size of many of our villages and towns, when dilapidation is allowed to take hold, it can have a real detrimental impact on the entire viability of the destination. We have many such cases across Northern Ireland, and these must be tackled with equal vigour as the large sites in higher profile destinations.

The legislation as proposed is welcome and should enable councils to take stronger action to tackle dereliction in their areas. However, it is essential that there is sufficient resource provided to each council to effectively implement the new legislation. Equally we are fearful of endless rights of appeal and delay. We note in 2024, when elected representatives proposed

¹ High Street Task Force | The Executive Office

undertaking a city-wide dilapidation survey in Belfast, this was agreed, ‘however, a council officer at the meeting suggested prioritising focus on dereliction areas, while warning of the “significant resource implications” of a full city-wide survey’².

Elected representatives also highlighted that “....in 2007, during the economic downturn, this council did a survey across 4,000 streets in Belfast, and identified there were 250 properties that needed action, and that was done accordingly with the landlords. If that data is still there, it would be worth going out again and looking at these buildingsto look further, and see where all the dilapidation is, and take appropriate action”.

It is unclear if this work was undertaken and does not appear to have been published to date.

It is also a reality many buildings are allowed to become derelict and dilapidated for strategic reasons, whilst the owner has minimal financial obligations. Therefore, we believe there should be some form of rating review which requires owners of vacant sites to contribute significantly more while lessening the burden on those who are utilising their property i.e. providing a business with a site to trade.

DAERA Proposals

We would agree with the option that was chosen, upon which this new legislation is based. Once it is passed, we would hope that each council area will utilise it and begin to make a real change.

- **Empowering Local Councils**

We welcome the intention to create a consistent and fit-for-purpose enforcement regime for all local councils. Too often, our members are frustrated by inconsistency across the different councils. It is also important for our councils to have the same powers as their counterparts in the rest of the UK, learning from what works elsewhere.

- **Tackling a Blight on Communities**

Dilapidation undermines business confidence and customer appeal. The recent Retail NI business crime report highlighted the prevalence of anti-social behaviour currently in many communities, and where buildings are allowed to become dilapidated this situation is exasperated. Customers are reluctant to visit neighbouring businesses, and unless tough action is taken, the situation continues until dilapidation becomes dereliction. Every elected representative could identify sites such as this in their constituencies, and this is but one reason why we are committed to a Town Centre First planning policy. Addressing dilapidation and driving regeneration should come before developing new, out of town sites. We would strongly suggest that the permissance of so much new retail space over the past two decades has actually contributed to the increase in dilapidation in many communities.

- **A New Enforcement Toolkit**

² Belfast Council to look at dilapidation survey across city | Belfast Live

We need powers and practical measures to drive change and reduce dilapidation. The proposed toolkit is welcome but must be used in a systematic way and become recognised as having teeth to face the challenges it faces. We note there are different levels of notices:

- A. Maintenance Notices: For dealing with low-level dilapidation and neglect.*
- B. Dilapidation Notices: For more serious issues, including demolition powers.*
- C. Dangerous Structure Notices: For buildings in a dangerous condition.*
- D. Defective Premises: For premises that are a "prejudicial to health or a nuisance."*

These different strands are clear, but once again we urge that they are deployed by each council in a consistent manner.

- **Enhanced Cost Recovery**

We welcome the provision for enhanced cost recovery. Too often councils fail to act because of the costs associated makes it prohibitive. Direct action to tackle is essential in many cases.

- **Penalties for Non-Compliance**

We strongly support the creation of offences for failing to comply with the notices and sets out fixed penalty and fining options. It is a lack of enforcement over decades that dilapidation has become prevalent, and it is a reality that it takes strong measures to tackle the problem.

Dereliction v Dilapidation

Based on general feedback so far, many use the terms interchangeably, and we believe as this bill progresses it should be made continuously made clear what its powers are and what it does address. We fear that subsequent confusion between two may lead to over expectation as to what the new legislation is designed to achieve.

We are advised dereliction refers to the state of being abandoned or neglected focusing on the lack of care and use. Meanwhile, dilapidation refers to the state of being in disrepair or decay, focused on the physical condition of the property. In the case of the latter there may well be tenants occupying the property.

In short, a derelict building is likely to be dilapidated, but a dilapidated building is not necessarily derelict.

Conclusion

We welcome this new approach, and believe it is overdue. To be most effective it should be part of a wider package aimed at regenerating our built environment and giving new purpose to our villages, towns and city centres.

We trust these views will be considered by the committee and look forward to further engagement as the legislative process proceeds.