

## **Appendix 1: Summary and Comments on draft Information guide for Local Councils: Listed Buildings, December 2020**

Brief summary of each section

***Council comments in bold italics***

### 1. Why are buildings listed?

- Department for Communities has a statutory duty to protect buildings through listings;
- Listed buildings are man-made objects and structures designated as being of 'special architectural or historic interest' under Article 80(1) of the Planning Act (N.I.);
- Listing a building celebrates a buildings special architectural and historic interest;
- Listing brings it under the consideration of the planning system so that it can be protected for future generations;
- The listing of buildings began in N.I in 1974 known as the 'First Survey' and took over 20 years to complete. In 1996 the need for a 'Second Survey' was identified and is currently being progressed – buildings in the first survey are reviewed along with the identification of new buildings for listing.

### 2. How are buildings listed?

- Historic Environments Division (HED) within the Department for Communities consider a building through three main routes:
  - the 'second survey';
  - in response to a 'listing query'; or
  - through a 'thematic survey'
- An additional route is through the use of a 'Building Preservation Notice (BPN)' as defined under Article 81 of the Planning Act 2011.
- The power to serve a BPN transferred from the former DoE to District Councils in April 2015 and may be used by the council if it appears that a building is not listed but is of special architectural or historic interest; and is in danger of demolition or of alteration in such a way to affect its character.
- A BPN protects a building as if it were listed for a period of up to *six months*.
- HED may also request that the council serve a BPN if a building is at high risk of loss or alteration.

#### **Comment 1: In relation to Section 2.1, Page 3 of Appendix 2**

***It would be useful for the document to provide clarification in this section for scenarios whereby HED do not find a building to be of special architectural or historic interest under the listed criteria after the council have issued a BPN; in terms of costs incurred to developer / building owner and if the council may be liable for this? Experience has shown this to be a real consequence or occurrence and not only***

***when the council considers a BPN is appropriate, but also in situations where HED have requested the service of a BPN but still conclude that it does not meet the criteria for listing.***

- The steps that are taken in considering a building for listing (or delisting) are explained in detail.
- Under section 80(3) of the Planning Act (NI) 2011 HED are required to consult with local councils before including a building on the list or amending the list.
- Councils have six weeks to reply to the written consultation, and where a council does not reply or seek an extension of time within this period, then their support is assumed.

3. Understand the criteria for listing

- The key criteria for listing are architectural interest or historic interest. A building can be listed for either but in most cases it will have both. The overall test is that this interest must be considered special.

4. Objecting to a listing / de-listing proposal

- Where a council wishes to object to a proposal, HED will only consider the objection providing it is based on the criteria for listing, for example – any other reasons will not be considered.
- Examples are given of common reasons for objections which cannot be considered, including condition, personal circumstances, cost of repairs and future development proposals.

**Comment 2: In relation to Section 4.2, Page 6 of Appendix 2**

***For the purposes of balance, it would be helpful if HED could provide examples of the type and form of objections which may be considered as appropriate based on the criteria for listing.***

5. Making changes to listed buildings

- HED is the statutory consultee to Local Councils when determining Listed Building Consent Applications. It also advises on development within the setting of listed buildings. Links are provided to additional documents on this.
- Reference are included to SPSS and PPS6 policies BH7-11 & 15, which are noted as being relevant ‘until such times as Local Development Plans are adopted’.

**Comment 3: In relation to Section 5, Page 7 of Appendix 2**

***Links are provided to further guidance documents that cover the setting of listed buildings, which includes reference to “pink wash” indicators. It would, however, be more appropriate to include commentary and clarification within this document to guide or advise in respect of both aspects.***

***Previous engagement with the Department (HED) has highlighted the difficulties in defining ‘setting’***

*and thus making it a more subjective process in relation to where consultation with HED may be appropriate or anticipated. The 'pink wash' indicators are often incorrectly presumed to define a building's setting.*

**Comment 4: In relation to Section 5, Pages 7 & 8 of Appendix 2**

*In this section HED should clarify that only the existing Planning Policy Statements would be replaced by the Council Local Development Plans when adopted. It should be clear that the Strategic Planning Policy Statement provisions will continue to be applied across all council areas. The sentence currently could be read as though both SPPS and PPS6 are only applicable until LDPs are adopted.*

6. Further Guidance and information

- Further links to guidance and information are provided in this section.
- Included within this is reference to the power for local councils to serve an Urgent Works Notice (under the Planning Act (N.I) 2011, on unoccupied listed buildings that have deteriorated to the extent that their preservation may be at risk.

**Comment 5: In relation to Section 6, Page 8 of Appendix 2**

*It appears anomalous that the Urgent Works Notice aspects of the legislation are only included as an 'additional guidance link', with the result that it may be easily overlooked or missed. Given that the process involves direct intervention by the Department or a Council in relation to a listed building, it would perhaps be more appropriate for this information to be provided in an earlier section in the same way that the Building Preservation Notice aspects have been covered within the document.*

7. Case Study/Survey report example.

- Helpful section showing the survey report and evaluations which councils receive when being consulted on a listing proposal or amendment.