

Services and Standards Framework

A statement of our role and service commitments in relation to development planning, development management and planning enforcement

Issue 1.0 May 2016

Historic Environment Division



Department for
Communities

Issue Date: May 2016

Front Page Image: View from Killyleagh Castle, Killyleagh © DfC

Our Services and Standards Framework aims to assist planning authorities and applicants by clarifying our planning role and the service standards we aim to meet. The service we provide is guided by legislative requirements and our responsibility to protect, regulate and provide advice on the historic environment. Should any discrepancy or conflict exist between the contents of this document and the relevant legislation, the provisions of the legislation will prevail.

Contents

1.	Introduction	
1.1	Our Aim	5
1.2	Guidance Aim.....	5
1.3	Our Commitment.....	5
2.	Our Role in the planning system	
2.1	Our Expertise.....	7
2.2	Our Advice.....	7
3.	Our role in protecting Heritage Assets	
3.1	Heritage assets we protect.....	8
3.2	Northern Ireland Sites and Monuments Record.....	
3.3	Monuments in State Care.....	9
3.4	Scheduling.....	9
3.5	Listing.....	9
3.6	Register of Historic Parks and Gardens.....	10
3.7	Other heritage designations protected by Local Development Plans and planning policies.....	10
4.	Development Planning	
4.1	Our contribution to Local Development Plans.....	12
4.2	Our role at each stage of the LDP process.....	13
5.	Development Management	
5.1	Our role in the development management process.....	14
5.2	Our pre - application advisory service.....	14
5.3	Regionally significant applications.....	15
5.4	Our service strategy.....	15
5.5	HED statutory consultations.....	16
6.	Other Consents	
6.1	Listed Building Consent and Scheduled Monument Consent	17
6.2	Archaeological excavation licences.....	18
6.3	Other consents.....	18

7.	Responding to Consultations	
7.1	Our general approach.....	19
7.2	Statutory and non-statutory consultations.....	19
7.3	Standing Advice.....	19
7.4	Our requirements from you.....	20
8.	Consultation Response Times	
8.1	Statutory consultations.....	21
8.2	EIA consultations.....	21
8.3	Non-statutory consultations.....	21
9.	Enforcement	
9.1	Listed Building enforcement.....	23
9.2	The upkeep and repair of listed buildings.....	24
9.3	Breach of planning control.....	24
9.4	Scheduled Monument enforcement Procedures.....	24
9.5	Archaeological excavation compliance procedures.....	25
10.	Working with Us	
10.1	Our performance.....	27
10.2	Freedom of Information.....	27
10.3	Contact us.....	27

1. Introduction

1.1 Our Aim:

The Historic Environment Division (HED) within the Department for Communities (DfC) aims to:

Support and sustain vibrant communities and a strong economy through realising the significant, ongoing value of our historic environment.

The historic environment plays a fundamental role in creating sustainable vibrant communities, enhancing our quality of life by providing a sense of identity to the places we live and historical understanding for us all. The environment and the economy are interlinked. A well-managed and protected environment can underpin prosperity and create new opportunities for growth.

1.2 Guidance Aim:

This Services and Standards Framework sets out the range of services we provide in respect of;

- protection of heritage assets
- development planning
- development management and
- enforcement

and the standards we aim to meet. Our service supports our divisional aim and legislative requirements. This document is intended to assist planning authorities, heritage asset owners, developers and any other bodies considering work which will affect the historic environment.

1.3 Our Commitment

Our objective is to ensure that every opportunity is taken through the planning process to protect, and where possible enhance, the historic environment. We are committed to providing constructive advice and aim to provide clear responses in a timely manner in our role as statutory consultee.

This document also sets out the basis for an effective partnership between planning authorities and HED, and provides a summary of what our stakeholders can expect in relation to how we:

- provide a central point of contact for planning consultations in relation to the historic environment;
- respond to development planning consultations
- advise on pre- application discussions with planning authorities and applicants
- respond to planning application consultations
- engage with planning authorities on enforcement
- monitor, review and improve our performance to ensure that the consultation process between planning authorities and HED is efficient and effective.

More information and guidance on our approach to supporting sustainable environment and economy through good planning can be found on our website:

<https://www.communities-ni.gov.uk/topics/historic-environment>

2. Our Role in the Planning System

2.1 Our Expertise

HED is the government's authority responsible for recording, designating and protecting, and providing advice in relation to Northern Ireland's historic environment.

Our historic environment responsibilities require District Councils to engage with us during the Local Development Plan process and for planning authorities to statutorily consult us on planning applications with potential impacts on the heritage assets we protect.

2.2 Our Advice

Central to our role is the advice we give to planning authorities, government departments, developers, owners and the public on development proposals affecting the historic environment. We provide evidence based, clear, consistent and timely responses shaped by legislation and based on government policy and best practice. Our advice seeks to minimise impacts of development on a heritage asset, managing change to ensure the continued use and enjoyment of our historic environment.

Our responses assist planning authorities in fulfilling their statutory duties in the determination of planning applications, and help developers to make informed decisions on the location, layout and design of development proposals.

Our engagement at the strategic level includes providing advice on heritage matters within our areas of expertise, to those who are preparing Local Development Plans and regional strategies relevant to planning.

At the individual development level our statutory consultee role is initiated by the scale, location and potential impact of the development. This includes advice at various stages in Environmental Impact Assessment (EIA), where these are required to inform planning decisions.

Where a development plan or a proposed development is likely to have a cross-border or national environmental effect, we will work with our sister agencies, principally Department for Environment, Community and Local Government, Department of Arts, Heritage and the Gaeltacht (all in RoI) , and the equivalent UK agencies.

3. Our role in protecting heritage assets

3.1 Heritage assets¹ we protect

HED is responsible for recording, designating and protecting historic monuments² of archaeological interest. We also protect buildings and structures of special architectural and historic interest, though listing. The heritage assets we protect, provide information about our past, and are often significant landmarks in our towns and countryside. They also promote a sense of local distinctiveness contributing to the character and appearance of our cities, towns, villages and countryside.

The planning system has a key role in the stewardship of our archaeological and built heritage. We aim to work with planning authorities and applicants, to manage impacts of development and proposals for change on the significance of the heritage assets we protect, whilst facilitating development that will contribute to their ongoing preservation, conservation and enhancement.

Heritage assets we record and protect are set out below:

3.2 Historic Monuments recorded on the NI Sites and Monuments Record

HED compiles and maintains the Northern Ireland Sites and Monuments Record (NISMR), the register of recorded archaeological sites and monuments in Northern Ireland. There are presently some 16,500 sites on the NISMR, which are for the most part pre-1700 in date. These recorded sites are of both regional (i.e. State Care and Scheduled Monuments) and local importance in the Northern Ireland context and are strong reminders of the evolution of our landscape, traditions and place names. Archaeological sites and monuments and their settings are afforded protection under planning policy. Other sites of local importance include those recorded on the Industrial Heritage Record, and those on the Defence Heritage Record (sites associated with WW1, WW2 and the Cold War.)

¹ Heritage Assets are archaeological sites and monuments, buildings and landscapes, buried remains and historic areas of architectural or historic interest. Some of these assets have statutory protection as listed buildings or scheduled monuments. Others are included in designated conservation areas, historic parks and gardens, World Heritage Sites, National Parks and Areas of Outstanding Natural Beauty.

² As defined in Article 2 of the Historic Monuments and Archaeological Objects (NI) Order 1995

3.3 Monuments in State Care

State Care sites and monuments are those which are of such importance to Northern Ireland, that the state undertakes their conservation and management directly. HED has responsibility for State Care sites and monuments under the Historic Monuments and Archaeological Objects (NI) Order 1995. Such sites of regional importance merit a high level of protection under planning policy, including direct impacts and impacts which may affect their setting. At present there are 195 Monuments in State Care in NI.

More information on Monuments in State Care is available on our website:

<https://www.communities-ni.gov.uk/articles/state-care-monuments>

3.4 Scheduled Monuments

Scheduled historic monuments are of regional significance to Northern Ireland, protected under the provisions of Article 3, of the Historic Monuments and Archaeological Objects (NI) Order 1995. Once a monument is scheduled, it becomes an offence to carry out certain works in a statutorily protected zone without Scheduled Monument Consent (SMC). There are presently almost 2000 scheduled historic monuments in Northern Ireland.

HED is responsible for designating scheduled monuments and determining applications for SMC on behalf of DfC. The designation of scheduled monuments is guided by criteria published in Planning Policy Statement 6 (PPS 6): Planning, Archaeology and Built Heritage (1999), and sites are scheduled following consultation with the Historic Monuments Council, our statutory advisory council. Scheduled Monument Consents must be granted in advance of the determination of any related planning application. More information on Scheduled Monuments is available on our website:

<https://www.communities-ni.gov.uk/articles/scheduled-monuments>

If you wish to nominate a monument for scheduling consideration, please contact our scheduling team by email at: Historicenvironmentenquiries@communities-ni.gov.uk

3.5 Listed Buildings

Listed buildings are structures of special architectural and historic interest, protected under the provisions of Section 80 of the Planning Act (NI) 2011. The assessment of a building for inclusion on the statutory list, is informed by the listing criteria as set out in Revised Annex C of Planning Policy Statement 6 (PPS 6): Planning, Archaeology and Built Heritage (1999) and consultation with District Councils and the Historic Buildings Council. Planning policies also provide for the protection of listed buildings and their setting.

More information on Listed Buildings is available on our website:

<https://www.communities-ni.gov.uk/articles/listed-buildings>

HED is responsible for designating listed buildings and maintains ‘the list’ of buildings of special architectural or historic interest which records the best of Northern Ireland’s historic buildings. Copies of the list can be viewed in our [Monuments and Buildings Record](#). The [Northern Ireland Buildings Database](#) holds the list of addresses of all listed buildings, providing more detailed information for those buildings which have been subject to the Second Survey programme.

Listed Building Consent (LBC) is required for any works of alteration which would materially affect the essential character of the listed building. HED is a statutory consultee for all LBC applications, determined by planning authorities.

Where a planning application involves the demolition, alteration or extension of an unlisted building of potential architectural and historic interest, developers or applicants can apply to HED for a certificate confirming that there is no intention to list the building, providing immunity from listing or serving of a Building Preservation Notice (BPN) for 5 years from the date of issue.

If you wish to nominate a building for listing consideration, or apply for a certificate of immunity you can contact our listing team via email at the following address:

Historicenvironmentenquiries@communities-ni.gov.uk

3.6 Register of Historic Parks and Gardens

HED compiles a Register of Historic Parks, Gardens and Demesnes of Special Historic Interest, protected through inclusion on District Council Local Development Plans (LDP) and planning policies. We engage with and provide information to District Councils to inform appropriate identification and protection through the LDP process.

3.7 Other heritage designations protected by Local Development Plans & planning policies

LDP’s also identify other heritage designations, which are a material consideration for planning authorities when determining planning applications. Protection is provided by identification on the LDP and planning policies.

HED also contributes to LDP heritage designations, by providing evidence and proposing sites which merit designation as an Area of Significant Archaeological Interest (ASAI) (in consultation with the Historic Monuments Council, (HMC)), and an Area of Archaeological Potential (AAP) to District Councils for inclusion on their LDP. Refer to *Figure 1* overleaf, for a list of other heritage designations.

Designation	Description	Legislation/ Policy	Designation Body
World Heritage Sites (WHS)	Sites which have ‘ <i>Outstanding Universal Value</i> ’ designated for either their ‘ <i>cultural</i> ’ or ‘ <i>natural</i> ’ significance. <i>NI has currently one WHS, the Giants Causeway, designated for its ‘natural’ OUV.</i>	‘Operational Guidelines for the Implementation of the World Heritage Convention’ SPPS, PPS6, LDP’s and policies	United Nations Educational, Scientific and Cultural Organization (UNESCO)
Conservation Areas (CA)	‘... <i>areas of special architectural or historic interest ...the character or appearance of which it is desirable to preserve or enhance.</i> ’	Section 104, Planning Act (NI) 2011, SPPS, PPS6, LDP’s and policies	District Councils-, following consultation with HBC (DfC has a parallel power for use in exceptional circumstances)
Areas of Townscape Character (ATC)	‘... <i>areas within our cities, towns and villages which exhibit a distinct character normally based on their historic built form or layout.</i> ’	SPPS, PPS6, LDP’s and policies	District Councils
Areas of significant Archaeological Interest (ASAI)	‘ <i>designations seek to identify particularly distinctive areas of the historic landscape in Northern Ireland. They are likely to include a number of individual and related sites and monuments and may also be distinguished by their landscape character and topography</i> ’	SPPS, PPS6, LDP’s and policies	District Councils through LDP process- (proposed by HED with advice from HMC)
Areas of Archaeological Potential (AAP)	‘... <i>those areas within the historic cores of towns and villages, where, on the basis of current knowledge, it is likely that archaeological remains will be encountered in the course of continuing development and change.</i> ’	SPPS, PPS6, LDP’s and policies	District Councils through LDP process- (proposed by HED)
Local Landscape Policy Area (LLPA)	‘... <i>consist of those features and areas within and adjoining settlements considered to be of greatest amenity value, landscape quality or local significance and therefore worthy of protection from undesirable or damaging development. They may include:</i> - <i>archaeological sites and monuments and their surroundings;</i> - <i>listed and other locally important buildings³ and their surroundings;</i>	SPPS, PPS6, LDP’s and policies	District Councils through LDP process

Figure 1: List of other heritage designations

³ ‘A historic building of local importance, is a building, structure or feature, whilst not statutory listed, has been identified by the council as an important part of their heritage, due to its local architectural or historic significance.’ P.41 Strategic Planning Policy Statement (SPPS), Sept 2015

4. Development Planning

4.1 Our contribution to Local Development Plans

HED is actively involved in the making and assessment of strategic plans and programmes. By engaging effectively in the plan-making process we can help guide development to the most appropriate locations and help realise the economic potential of the historic environment. Our engagement aims to reduce the potential for future conflict at the individual application stage and improve how development is delivered at sites allocated in plans. Good local development plans are essential for ensuring that the right development happens in the right places.

HED supports plan-led development by:

- **supplying evidence** and ensuring that our built heritage data, including map-based information, is accessible to those developing plans, and identifying other useful sources of information;
- **actively engaging** with district council plan makers and seeking to maximise benefits from the sustainable management of the environment by providing consistent, evidence-based advice at each stage of the plan-making process; and
- **applying a proportionate approach** to advice provided to council, with greater engagement where area plans are most outdated,

Figure 2 outlines our roles in relation to the development planning process.

4.2 Our role at each stage of the LDP process

Consultation	Our role and responsibilities
<p>Stage 1: Initial plan preparation Preferred Options Paper</p>	<p>District Councils engage with us so that we can assist with the generation of alternative strategies and options.</p> <p>We ensure that our built heritage information is accessible to assist councils to develop an evidence base, establish characteristics of the historic environment and determine issues that need to be addressed by the plan.</p>
<p>Stage 2: Preparation and adoption of plan Draft Plan Strategy Independent examination of Draft Plan Strategy</p>	<p>District Councils engage with us on the built heritage evidence required to enable them to make informed decisions on the vision, objectives and strategic policies for the district. We attend formal examinations, as required, in relation to built heritage evidence we have provided.</p>
<p>Stage 3: Preparation and adoption of Local Policies Plan Draft Local Policies Plan Independent examination of Draft Local Policies Plan</p>	<p>District Councils engage with us to inform the review and update of the evidence base, to enable potential impediments to the plan strategy to be identified and to enable councils to make informed decisions on the local policies and proposals for the district.</p> <p>We attend formal examinations, as required, in relation to environmental evidence we have provided.</p>
<p>Stage 4: Monitoring and review Annual Monitoring Report Review of Local Development Plan</p>	<p>We ensure our built heritage information is up-to-date.</p> <p>Consider findings of plan reviews.</p>
<p>Strategic Environmental Assessment Screening Scoping Environmental Report</p>	<p>We respond to consultation on the need for SEA.</p> <p>We respond to consultation on the scope and level of detail of the information which must be included in the Environmental Report.</p> <p>We respond to consultation on the Draft Local Development Plans and the accompanying environmental reports.</p>

Figure 2: Our inputs at each stage of the LDP process

5. Development Management

5.1 Our role in the development management process

HED supports sustainable development in Northern Ireland by working with planning authorities, developers and other stakeholders to avoid or minimise the potential detrimental impacts of development projects on heritage assets, while promoting opportunities to enhance the built heritage to deliver environmental, social and economic benefits.

5.2 Our Pre - Application Advisory Service

HED encourages pre- application consultation with agents and applications prior to submitting a development planning or LBC application, which may have impacts on the significance of a heritage asset. HED receives pre-application requests in two ways:

(i) Initial Advice – Request from agent/ applicant

HED provides advice to prospective applicants or agents for planning permission affecting designated heritage assets, or listed building consent. When a request is received by the HED planning team, we will:

- Provide a desk based comment, informed by the records we hold and supporting documentation provided, within 15 working days
- Confirm the detail and extent of information required for a Outline/Full/LBC application
- Restrict comment to one set of proposals prior to submission of a formal planning /LBC application or PAD
- For all live planning /LBC applications, direct requests from agents/ applicants for separate meetings or advice from HED, will be directed to the District Council planning authority to co-ordinate

(ii) Formal PAD consultation

Formal PAD consultations should be accompanied by a full set of plans and other accompanying information, to enable a full assessment of the potential impact of the development proposals on the historic environment.

HED aims respond to formal requests for Pre-Application Advice, from planning authorities within 21 days or agreed timescales. In our response we will either:

- advise we have no comment to make
- provide initial consultation advice or
- request additional information to gain a better understanding of the proposals and their impact

For further details on the information we require to provide advice for a PAD application, refer to our 'Consultation Guide', which can be downloaded from our website.

For complex major development proposals, we will also meet with developers and planning authorities, as requested, through formal pre-application discussions, to ensure that historic environment issues are fully addressed at an early stage in the planning process.

In early pre- application discussions, we aim to provide helpful advice at the earliest opportunity to:

- steer development to appropriate locations to avoid or minimise adverse impacts on the environment;
- suggest ways in which adverse effects might be avoided or mitigated;
- influence decisions regarding layout and design of development proposals; and
- make developers and planning authorities aware of environmental constraints and opportunities for environmental enhancement.

5.3 Regionally significant applications determined by the Department for Infrastructure (Dfi)

HED is a statutory consultee for regionally significant applications, which have impacts on the historic environment. These are large scale projects such as power stations, railways, harbours and larger wind farms. Thresholds relating to development classes are described in *The Planning (Development Management) Regulations (Northern Ireland) 2015*.

HED welcomes early engagement on regionally significant applications. Before submitting an application, the developer should obtain the necessary heritage information and carry out extensive consultation, prior to submitting an application. This information should inform the development proposals before an application is submitted to the Dfi planning authority, who will determine the application, informed by the advice of the statutory consultees.

5.4 Our service strategy

HED aims to support sustainable development through:

- **proactive, early engagement** with planning authorities and developers to ensure that the location, layout and design of development is informed by environmental constraints and opportunities for environmental enhancement, thereby minimising costly delays during later stages in the planning process;
- a **risk based approach** that focuses our involvement on proposals that are likely to have significant environmental impacts;

- a **problem-solving approach** that identifies and promotes opportunities to protect and enhance our historic environment, supporting vibrant communities and a strong economy
- **providing advice and guidance** on archaeological and built heritage assets;
- **responding within deadlines**, ensuring that the **advice we provide** is submitted within agreed or statutory deadlines.

5.5 HED statutory consultations

Our role and responsibilities for statutory consultations has been set out in the table below:

Legislation	Our role and responsibilities
<p>The Planning (General Development Procedure) Order (Northern Ireland) 2015</p>	<p>We are consulted by planning authorities on applications for local and major development proposals and are required to provide a substantive response within 21 calendar days or other agreed timescale.</p> <p>We are consulted by the Department for Infrastructure (DfI) on applications for regionally significant development proposals. We provide a response within agreed timescales.</p>
<p>The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015</p>	<p>When planning authorities are giving their opinion as to whether a development proposal is subject to EIA and the information to be provided in the environmental statement, we may be consulted on the scope and level of detail to be included.</p> <p>We are notified by planning authorities when a developer intends to submit an environmental statement and when requested we provide environmental information to assist the developer in preparing the environmental statement.</p> <p>We are consulted by planning authorities when an environmental statement is submitted and have a minimum of 28 days to respond.</p>
<p>The Planning (Listed Buildings) Regulations (Northern Ireland) 2015</p>	<p>We are consulted by planning authorities before they determine an application for listed building consent so that we may make representations.</p> <p>District Council Planning authorities notify the Department of Infrastructure (DfI) of their intention to approve an application for listed building consent.</p>

Figure 3: Our statutory consultation requirements

6. Other Consents

6.1 Listed Building Consent and Scheduled Monument Consent

Planning and consenting decisions are separate but closely linked. When considered in the context of the historic environment, planning permission determines if a development is an acceptable use of the land; consent determines if the proposed works can be managed to prevent or minimise adverse effects on a designated asset. In most cases, planning permission alone may not be sufficient to allow a development proposal to proceed.

There are two consent processes for works to designated heritage assets:

Type of Consent	Description- required for:	Legislation	Decision Making Authority
Listed Building Consent	<i>'works of demolition, alteration or extension of a listed building, which would affect its character as a building of special architectural or historical interest.'</i>	Section 85, Planning Act (NI) 2011	District Council Planning Authority (or DfI for called in applications)
Scheduled Monument Consent	<i>'development proposals that would cause ground disturbance, dumping, storage or physical alterations within the statutorily protected area of a scheduled monument.'</i>	Articles 4 & 5 of The Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995.	Historic Environment Division (HED) within DfC

Figure 4: LBC and SMC legislation requirements and determining authorities

District Council planning authorities are the decision making authority for *Listed Building Consent* (LBC) applications (with the exception of LBC applications which have been called in by DfI). Where a development proposal involves works of alteration to a listed building, both the LBC and planning application should be submitted together to the planning authority, to enable simultaneous consideration. This is important, as the impact of the proposed works on the significance of a listed building, will often have direct impacts on the appropriateness of the development proposal. This parallel processing of the LBC and planning applications enables decisions to be made in a co-ordinated way and improves efficiency of the process.

HED is the decision making authority for *Scheduled Monument Consent* (SMC) applications. Consent is required regardless of whether planning permission or other permissions have been sought or obtained. There is no presumption in favour of granting SMC and work cannot start on a development site without SMC. Where both SMC and planning permission are required, SMC must be determined first. Further information on our requirements for SMC can be downloaded from our website:

<https://www.communities-ni.gov.uk/articles/scheduled-monuments>

6.2 Archaeological excavation licences

Planning permission and SMC will often include conditions requiring archaeological excavation to mitigate impacts on the historic environment. All such archaeological excavations must be carried out under the direction of a qualified archaeologist, licensed by HED under Article 41 of the Historic Monuments and Archaeological Objects (NI) Order 1995.

A licence application must be submitted for each excavation, by the archaeologist who will direct the work, at least four weeks before the date on which work is due to begin. An associated Programme of Works, approved by the District Council planning authority in cases where the licence application is associated with a Development Proposal, should also be submitted. More information on archaeological excavation licences is available on our website: <https://www.communities-ni.gov.uk/articles/protecting-northern-irelands-archaeology>

6.3 Other Consents

Conservation Area Consent (DCA) is required under the Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015 before demolishing, whether in whole or part, an unlisted building within a Conservation Area. This consent is in addition to any planning permission which may be required. The impact of a DCA application on a Conservation Area is assessed and determined by District Councils. HED is not a statutory consultee for DCA applications but provides advice as a statutory consultee for any Listed Building Consent (LBC) application or development proposal affecting the setting of a listed building in a Conservation Area.

Advertisement Consent (A) is required under the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 before certain outdoor advertisements can be displayed. HED is not a statutory consultee for advertisement consent applications, but wish to be consulted on applications which have potential significant impacts on the historic assets we protect, as set out in our *'Consultation Guide'*.

7. Responding to consultations

7.1 Our general approach

For all consultations we aim to provide objective, consistent and clear advice to assist planning authorities and developers to manage development in a sustainable way that protects the historic environment.

7.2 Statutory and non-statutory consultations

Our responses are designed to assist planning authorities to make informed decisions on planning applications. For planning applications where we are a statutory consultee under the Planning (General Development Procedure) Order (Northern Ireland) 2015, we provide substantive responses in four categories.

A substantive response is one that:

- states that we have no response to make;
- states that, on the basis of the information available, we are content with the development as proposed;
- refers the council to our current standing advice on the subject of the consultation; or
- provides advice to the council to enable the determination of the application.

For example, we may state that we have no concerns with the development as proposed, or that adverse impacts on the significance of a designated heritage asset would occur unless the proposal is modified or mitigated.

On occasion, further information may be requested from an applicant / developer to facilitate consideration of a proposal and allow a substantive response to be made (see 7.4 below).

7.3 Standing advice

HED does not provide standing advice which can be taken as our formal response to a range of applications. We consider each planning and LBC application individually and respond accordingly.

In our responses to non-statutory consultations, we provide appropriate advice on the likelihood of impacts on and risks to the historic environment in order to inform the development management process.

7.4 Our requirements from you

To enable us to provide responses within agreed timescales, it is essential that all planning consultations are accompanied by appropriate supporting information.

The list of required information is outlined in our *'Consultation Guide'*. This document also clarifies when we should be consulted on planning applications.

We recommend that planning officers use all our guidance documents including GIS data and map-based information, to assess and determine that all the required information is supplied when consulting HED.

If the supporting information supplied with a planning application proves to be inadequate for us to assess the impacts on the historic environment, we will ask for further evidence to inform our response to the planning authority. Inadequate supporting information can lead to a delay in determining an application or the refusal of an application, depending on the evidence that has not been supplied.

8. Consultation Response Times

8.1 Statutory Consultations

We provide a substantive response within 21 calendar days to planning consultations under the Planning (General Development Procedure) Order (Northern Ireland) 2015⁴ and LBC applications under the Planning (Listed Buildings) Regulations (Northern Ireland) 2016⁵, provided we have received all the information needed to give an informed response.

When a response within 21 days is not possible, we will provide our response in an alternative time period as agreed in writing between the planning authority and HED. For example, there are times where the application relates to a large, complex site and we may not have been contacted previously for pre-application advice. In such cases, it may not always be possible for us to fully review the amount of technical information we are sent within 21 days and we will seek to agree an extension with the planning authority. If additional time is required, we will be clear about why and when our response will be submitted.

8.2 EIA consultations

For consultations where the planning application is accompanied by a full Environmental Statement, we will normally agree a timescale for response which takes account of the minimum 28 days requirement in the EIA Regulations, the complexity of environmental considerations and the decision-making process.

8.3 Non- Statutory consultations

In relation to other non-statutory consultations from planning authorities we aim to respond within 21 days, or other specified timescale as agreed, provided we have received all the information we need to give an informed response. We will contact planning authorities at an early stage to confirm when our response can be expected, which will be dependent on the nature, scale and complexity of the proposed scheme.

⁴ As amended by the Planning (General Development Procedure) (Amendment) Order (NI) 2016

⁵ As amended by the Planning (Listed Buildings) (Amendment) Regulations (NI) 2016

Consultation Type	Statutory Response Time*
Major and local planning developments	21
Developments where the planning application is accompanied by a full Environmental Statement	minimum 28
Applications for Listed Building Consent (LBC)	21

*All response times in calendar days

Figure 5: Statutory consultation response times

9. Enforcement

District Councils have powers to take forward enforcement, under the Planning Act (NI) 2011. HED is committed to working with District Councils on enforcement cases which impact on the heritage assets we protect, particularly for cases related to:

- Listed Building Enforcement
- The Upkeep and Repair of Listed Buildings
- Breach of planning control

9.1 Listed Building enforcement

HED aims to support District Councils to reduce the impact of inappropriate works on listed buildings. This is in agreement with general Policy laid out in PPS9 'The enforcement of Planning Control'. While this was published before responsibility for planning enforcement was devolved to District Councils, the policy aims remain valid. These aims are summarised in this Document as follows:

- To bring unauthorised activity under control.
- To remedy the undesirable effects of unauthorised development.
- To take action....against those who ignore or flout planning legislation.

To help reduce impact of inappropriate works, HED adopts a proactive approach through:

1. **Outreach** with listed building owners to make them aware of consent requirement, advice on upkeep and repair and
2. **Liaison** with District Council Planning Offices where potential cases have come to our attention
3. **Targeting** of enforcement cases, by assessing priority cases
4. **Collating** photographic information through area work and second survey programme
5. **Recording** and monitoring progress of enforcement cases forwarded to District Councils

HED will assist planning authorities to take forward listed building enforcement cases by:

- Identifying potential listed building enforcement cases, where we have been made aware, together with completed pro-formas of the breach
- Providing historic dated photographic evidence, where held in our records
- Attending site visits,(where appropriate) with District Council enforcement officers
- Recommending remedial action, to remedy the breach

9.2 The upkeep and repair of Listed Buildings

Where a listed building has fallen into a state of disrepair, District Councils have the power to issue an Urgent Works Notice (UWN), where efforts to engage with the owner to undertake the works have failed. HED retains the power to issue a Repairs Notice and compulsory acquire a listed building which has fallen into a poor state of repair and reasonable steps have not been taken to properly preserve it. Through our Built Heritage at Risk in Northern Ireland (BHARNI) project HED also retains a strong interest in ensuring that Northern Ireland's listed buildings are in good repair and have sustainable uses.

To assist District Councils take forward these powers and to help protect listed buildings from falling into disrepair, HED can provide training and guidance on UWN's to District Councils on the procedures for serving an UWN. HED will also notify District Councils where we have become aware of a listed building which has either fallen into a state of disrepair, or has been subject to a fire.

An effective relationship between HED and planning authorities will help to safeguard the future of Northern Ireland listed buildings.

9.3 Breach of planning control

Where HED has become or is made aware of:

- Breach of a planning approval where we are a statutory consultee
- Breach of a planning condition relation to our area of expertise, including archaeological mitigation
- Unauthorised works affecting a heritage asset, including archaeological sites and monuments, listed building or registered historic park and garden

HED will notify the relevant District Council planning authority, providing supporting information detailing the alleged breach or unauthorised works. Where possible, we will provide advice on appropriate remedial action. The decision on appropriate action however lies with the District Council.

9.4 Scheduled Monument enforcement procedures

Scheduled Monument Consent (SMC) applications are often required as a result of associated development, subject to the planning process. In such cases, conditions relating to works to scheduled monuments, may be granted under two separate pieces of legislation, The Planning Act (NI) 2011 and the Historic Monuments and Archaeological Objects (NI) Order 1995. While the two bodies of legislation are separate, the breaching of one set of legislative conditions can breach those conditioned under the other.

Scheduled monument enforcement is managed by HED. District Councils are responsible for enforcement procedures in relation to planning control.

To ensure a co-ordinated approach, for enforcement of either a breach of planning conditions or development works impacting on a scheduled monument, HED will :

- Contact the relevant District Council where we have become aware of potential unauthorised works to a scheduled monument
- Agree with the District Council if enforcement action is appropriate and whether this should be taken forward by the District Council or HED (For the majority of cases where scheduled monument enforcement is appropriate, HED will take the lead)

Where HED takes forward enforcement action, we will maintain a clear line of communication with District Councils and:

- Provide a copy of the HED report of development related works to a scheduled historic monument, or works conducted that do not comply with the conditions of SMC
- Recommend appropriate remedial action, to remedy the breach, where possible
- Provide details of correspondence with the application owner of the scheduled monument
- Inform District Councils where a remedial action has been completed

9.5 Archaeological excavation compliance procedures

HED has responsibility for the protection and conservation of Northern Ireland's archaeological heritage. Archaeological excavation enables the discovery of new material to inform us about our past. It is also a process that, by its nature, leads to the destruction of the heritage asset under excavation. It is therefore critical that excavation in Northern Ireland is carried out only where appropriate, and to the best possible standards.

To ensure a co-ordinated approach between our enforcement responsibilities under Article 41 of the HMAO Order 1995 and the responsibilities of District Councils under the Planning Act (NI) 2011 in relation to excavation works required by a planning condition, HED will:

- Contact the relevant District Council where we have become aware of a potential breach of a planning condition relating to archaeological excavation
- Agree with the District Council if enforcement action is appropriate and whether this should be taken forward by the District Council or HED

Where it is agreed that enforcement action should be pursued by a District Council for the prosecution of the breach of a planning condition, HED will assist District Councils by:

- Providing a report of the breach
- Attending site visits, (where appropriate) with District Council enforcement officers
- Recommending appropriate remedial action, to remedy the breach, where possible

Where it is agreed with District Councils that enforcement action relates only to a breach of Article 41 of the HMAO Order 1995 or of the specific excavation licence conditions, HED will pursue enforcement for a potential breach.

HED seek to liaise closely with District Councils to ensure appropriate action is taken to safeguard our archaeological heritage against inappropriate works. More information on archaeological licensing is available on our web page: <https://www.communities-ni.gov.uk/articles/protecting-northern-irelands-archaeology>

10. Working with us

We want to work constructively with planning authorities, applicants, developers and heritage asset owners, who need our advice. We are committed to being transparent, clear and timely in the way we work.

10.1 Our performance

HED works to continuously improve our performance against set standards. We are required to report on our performance in relation to statutory consultations. The report is published in July each year, on our website <https://www.communities-ni.gov.uk/topics/historic-environment>. Where we do not meet targets, we examine the reasons for this and identify where and how we can improve.

We welcome engagement with planning authorities to monitor, review and identify how we can change the way we work with each other and other stakeholders to improve the planning system.

We welcome comments on any aspect of our role as a consultee in the planning system, and in particular, we encourage feedback on ways in which our service can be improved.

10.2 Freedom of Information

District Council planning authorities and government departments are bound by the Freedom of Information Act 2000. We will therefore make all correspondence available to third parties if requested to do so, unless it falls within the exemptions outlined within the Act. More information on Freedom of Information can be found on the NI Direct website:

<http://www.nidirect.gov.uk/freedom-of-information>

10.3 Contact us

Our dedicated HED planning team can be contacted on the details below. To enable us to assist you with your query, please ensure you have the appropriate information so that we can identify the case you are referring to.

HED Planning Team

Historic Environment Division

6th Floor, Causeway Exchange, 1-7 Bedford Street Belfast, BT2 7EG

T: 028 90823100

E: HEDPlanning.General@communities-ni.gov.uk

For more information on the work we do and the range of services we offer, please refer to our website www.communities-ni.gov.uk/topics/historic-environment



DfC

Department
for Communities
www.communities-ni.gov.uk

Supporting and sustaining vibrant communities and a strong economy through realising the significant, ongoing value of our historic environment.

Historic Environment Division

Causeway Exchange

1-7 Bedford Street

Belfast

BT2 7EG

Tel: 028 90823100

Email: HEDPlanning.General@communities-ni.gov.uk

Web: www.communities-ni.gov.uk/topics/historic-environment



**INVESTORS
IN PEOPLE**