



Department of
**Agriculture, Environment
and Rural Affairs**

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**Synopsis of Responses to Policy Consultation
on
Dilapidated/Dangerous Buildings and
Neglected Sites**

September 2016

Background

1. In May 2016 responsibility for local environmental quality transferred from the former Department of the Environment to the newly created Department of Agriculture, Environment and Rural Affairs.
2. One of the key policy areas transferred to the new department under the umbrella of local environmental quality is that of dilapidation, which covers a range of problem sites including dilapidated/dangerous buildings (and structures) and neglected/abandoned sites.
3. The presence of a significant number of buildings, structures and sites in various stages of dilapidation, danger and neglect has been highlighted by a range of stakeholders as an obstacle to economic prosperity and social wellbeing.
4. As part of an ongoing review of the legislation available to district councils (the relevant enforcing authorities), the former Department of the Environment published a consultation document on policy options on 10 March 2016. The consultation followed on from a discussion document issued to key stakeholders in 2014 and closed on 30 June 2016.

Consultation Document

5. The consultation document outlined the types of problem site being considered under the review, the range of existing legislation available to district councils (much of which dates back to the 19th century), potential legislative models operating in other parts of the UK, the Republic of Ireland and elsewhere, and also highlighted the interfaces with the responsibilities of other NI departments and agencies.

6. The consultation put forward 4 basic options, inviting comments on these through 12 specific questions and affording respondents the opportunity to put forward alternative proposals if they so wished.
7. The 4 options offered were:
 - Option 1: Do nothing;
 - Option 2: Department issues non-statutory guidance;
 - Option 3: Bill to amend and consolidate existing legislation; and
 - Option 4: A Bill to introduce a new broader regime dealing with dilapidated/dangerous structures, neglected sites and a range of visual amenity issues.
8. Option 4 was highlighted as the Department's preferred option and a series of 12 questions was asked to provide a degree of structure to responses. The text of these 12 questions can be found at Annex1.
9. The consultation was made available to a large number of stakeholders from a wide range of sectors, either by e-mail or, where that wasn't possible, in hard copy. The consultation was also available to the general public through the Department's website.

Responses

10. By the closing date of 30 June 2016 the Department had received 24 substantive responses from the following organisations:

Local Government

- Antrim and Newtownabbey Borough Council
- Ards and North Down Borough Council
- Armagh City Banbridge and Craigavon Borough Council
- Belfast City Council
- Causeway Coast and Glens Borough Council

- Derry City and Strabane District Council
- Fermanagh and Omagh District Council
- Lisburn and Castlereagh City Council
- Mid and East Antrim Borough Council
- Mid Ulster District Council
- Newry Mourne and Down District Council
- Northern Ireland Local Government Association

Professional Bodies

- Building Control Northern Ireland
- Chartered Association of Building Engineers
- Chartered Institute of Environmental Health
- Chief Environmental Health Officers' Group

NGOs

- Keep Northern Ireland Beautiful
- National Trust
- Northern Ireland Environment Link
- Ulster Architectural Heritage Society

Advisory Bodies

- Council for Nature Conservation and the Countryside
- Historic Buildings Council
- Ministerial Advisory Group, Department for Communities

Private Individual

- Ms. Sarah Graham

11. As with any consultation exercise its value lies in the quality of the responses and the Department would like to place on record its

thanks to all of the respondents for their considered and highly detailed responses.

12. The next section of this paper highlights some of the key issues raised in the responses received but a more detailed summary of the comments from each respondent to the questions posed in the consultation is provided in Annex 2.

Key Issues

13. There was a good deal of consensus across the respondents to this exercise, particularly from within the local government sector. This reflects the fact that the subject matter has been extensively debated within and between relevant organisations and is, in itself, very helpful to the policy development process.
14. Of the 24 responses, 23 indicated their agreement that Option 4 should be the preferred option, with the other respondent putting forward its own proposed option.
15. Significant support was expressed for giving the enforcing authorities new powers and a statutory duty to use these powers. However, this view was qualified by the need to provide appropriate central government funding.
16. A number of responses highlighted the need to consider carefully interfaces with other relevant legislation – e.g. powers available to the Northern Ireland Housing Executive.
17. Having effective cost recovery provisions (allowing the recovery of all relevant costs) included in any new legislation was seen as key to success and most respondents were keen to see some means by which any charge on land in favour of the councils would have priority over existing charges.
18. While there was strong support for the repeal of location specific legislation and the provision of a new suite of modern, effective

powers, this was on the basis that there would be no net loss of enforcement powers.

19. Several respondents stated that, while giving councils the power to require the removal of rubbish from a site was welcome, there should be no attempt to transfer responsibility for fly-tipping etc from the Department to the councils.
20. Stronger penalties were generally favoured, as were a wider range of administrative and criminal sanctions.
21. The issue of councils being liable to pay compensation was raised in several responses, both in terms of issuing notices under existing planning legislation and replicating some of the provisions of the Building Act 1984.
22. The replication of powers similar to those contained in the Town and Country Planning Act 1990 was widely supported and their effectiveness in England and Wales acknowledged. It was also suggested that these powers might go some way towards addressing some of the issues around invasive plant species.
23. There was support also for powers to vest land in specific circumstances and for *bona vacantia* property to revert to councils rather than the Crown in certain cases.
24. Many of the responses highlighted the need to ensure that any changes to the existing legislation took proper account of the need to protect heritage buildings (not just those that are formally protected). As a minimum it was seen as necessary to close the 'loophole' that created the potential for heritage buildings to be demolished on foot of a Pollution Control and Local Government (NI) Order 1978 Art. 66 notice.

25. There was also general consensus that any guidance produced by the Department should be statutory and that it was necessary to develop such guidance in conjunction with council officers.
26. The role of communities in tackling dilapidation was highlighted by some with suggestions that creative and innovative solutions could be driven by those communities, given the opportunity. Links with other local environmental quality issues such as litter, civic pride etc were noted.
27. The wider environment was also raised as a relevant issue with examples given of derelict/abandoned sites that support a wide range of biodiversity and consequently provide benefits to public health.
28. Overall, there is clearly strong support, in principle, to the creation of a modern, fit for purpose enforcement regime and a willingness to engage with the Department to refine policy proposals and ensure that such a regime meets the needs of all stakeholders.

Next Steps

29. A number of issues require further consideration and discussion with stakeholders and legal counsel. Many of these issues are not as straightforward as they might appear and will require a significant degree of specialist technical and legal input.
30. Perhaps the most urgent task is the preparation of a robust economic appraisal that will identify the scale of the problem across Northern Ireland and estimate the potential costs of implementing a broader, more effective enforcement regime.
31. Engagement with the AERA Committee and further stakeholder engagement across a range of sectors will be required to help officials to prepare final policy recommendations for the Minister's

consideration prior to seeking Executive approval to proceed towards the introduction of a new Assembly Bill.

ANNEX 1 – LIST OF QUESTIONS ASKED IN CONSULTATION

- Q1** Do you agree that Option 4 should be the preferred option? If not, please indicate your preferred option and the reasons for that preference.
- Q2** Do you agree with the Department's approach to consolidating and amending Article 65 of the Pollution Control and Local Government (NI) Order 1978? If not, please comment on the specific issue(s) causing concern.
- Q3** Do you agree with the Department's approach to consolidating and amending Article 66 of the Pollution Control and Local Government (NI) Order 1978? If not, please comment on the specific issue(s) causing concern.
- Q4** Do you have any comments regarding the Department's proposed approach to transposing these provisions of the Building Act 1984?
- Q5** Do you have any comments regarding the Department's intention to repeal the relevant provisions in location-specific legislation and re-enact necessary provisions in the new legislation?
- Q6** Do you have any comments regarding the Department's intention to introduce provisions in the new Bill that would replicate powers available to local authorities in England and Wales under the Town and Country Planning Act 1990?
- Q7** Do you agree with the Department's view that a combination of existing planning powers (transferred to the councils under Local Government Reform) and proposed new provisions in respect of dangerous buildings and visual amenity are sufficient to deal with unfinished or abandoned sites?
- Q8** Do you agree with the Department's proposed approach to issues of ownership and, in particular, do you have any comments regarding the scenario outlined in paragraphs 8.42 – 8.44?
- Q9** Do you have any comments on the Departments proposed approach to cost recovery?
- Q10** Do you think guidance for a new regime should be statutory or non-statutory?
- Q11** Do you have any specific comments regarding potential provisions to enhance the protection of heritage buildings?
- Q12** Do you have any further comments on any of the issues raised in this document or are there any other important issues that you feel have not been covered?

ANNEX 2 – DETAILED SUMMARY OF RESPONSES

This Annex attempts to summarise in some detail the submissions provided by respondents to the consultation exercise, presented in alphabetical order. Due to space limitations these are heavily condensed versions of the responses received and, while every effort has been made to ensure accurate translation, it is possible that errors may have occurred. If any respondent feels that this is the case they should contact the Department and officials will be happy to make the appropriate corrections.

Again, due to space limitations, a number of abbreviations have been used in the summary and a brief glossary is provided below to assist the reader.

Art. 65/66	Articles 65/66 of the Pollution Control and Local Government (NI) Order 1978
ATC	Area of Townscape Character
BIA	Belfast Improvement Act
Bona vacantia	'Vacant goods' – ownerless property, which in specific circumstances passes to the Crown
CNEA	Clean Neighbourhoods and Environment Act (NI) 2011
NIEA	Northern Ireland Environment Agency
NIHE	Northern Ireland Housing Executive
S.215	Section 215 of the Town and Country Planning Act 1990 (actually refers to a number of related sections of the 1990 Act)
WCL(NI)O 1997	Waste and Contaminated Land (NI) Order 1997

1: Antrim & Newtownabbey Borough Council (LG)

Q.	Comments
1	<p>Important that scope encompasses wide range of sites.</p> <p>Engagement with councils vital.</p> <p>New regime should be implemented in full and not phased.</p>
2	<p>Agree but important that current use of CNEA provisions is not hindered. (See R v Bristol City Council, ex parte Everett).</p> <p>Consider powers in respect of housing also.</p>
3	<p>Welcomes Dept's proposal.</p> <p>Need to ensure that definition of "building" is sufficiently wide.</p> <p>Suggests provision to deal with scenario where owner cannot be identified or located.</p> <p>Clarity needed that NIEA retains responsibility for "fly-tipping".</p> <p>Guidance on per diem fines required.</p> <p>Potential to allow court to compel owner to carry out works would be useful.</p> <p>Need to ensure that heritage buildings are properly protected and not inadvertently afforded permitted development rights for demolition.</p>
4	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Need to ensure provisions for dangerous buildings do not hinder application of provisions on dilapidation.</p> <p>Issue regarding potential for compensation to be awarded (see Hastings Council v. Manolete Partners PLC).</p> <p>Difficulties experienced in identifying owners due to complex land registry system.</p> <p>Robust cost recovery provisions required.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p>
5	<p>Proposals to rationalise and simplify the existing legislation welcomed but essential to retain the most effective parts.</p> <p>Suggest reference to Derelict Sites Act 1990 (ROI) for provisions relating to deposits of rubbish etc.</p>
6	<p>Inclusion of powers similar to s.215 of the Town and Country Planning Act 1990 is welcomed and success of those provisions in E&W is noted.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Detailed guidance required.</p> <p>Potential value in two-tiered approach.</p> <p>Question posed as to potential to utilise s.215 powers to deal with invasive plant species issues.</p>
7	<p>Raises concerns about the use of existing planning powers (discontinuance / revocation notices) to deal with unfinished sites.</p> <p>In particular the question of liability to pay compensation is raised.</p>

1: Antrim & Newtownabbey Borough Council (LG)

Q.	Comments
8	<p>Land registration system causes difficulties in identifying and locating owners - guidance needed as to what constitutes "reasonable efforts".</p> <p>Councils should be able to recoup costs from financial institutions etc where there is a direct beneficiary of works carried out in default.</p> <p>Councils' charge on land should have priority over other charges.</p> <p>Robust cost recovery provisions required in any case.</p>
9	<p>Agree that appropriate cost recovery provisions are a key element for effectiveness of a new regime.</p> <p>Automatic priority of charges would be welcomed.</p> <p>Secure title for prospective buyers under any enforced sale provisions.</p> <p>In certain circumstances power to vest may be useful.</p> <p><i>Bona vacantia</i> property should revert to council if it holds a charge on the property.</p>
10	<p>Guidance is critical and should be developed in conjunction with local government officers.</p> <p>Preference expressed for statutory guidance.</p>
11	<p>Provisions allowing councils to take proactive approach to protecting heritage buildings would be welcomed.</p> <p>Robust cost recovery mechanism required.</p> <p>Should be possible to issue notice to repair or secure property without automatic option to demolish - demolition should be exceptional.</p> <p>If possible, it should be an option to issue a replacement building notice where there is no alternative to demolition.</p>
12	<p>Proposed legislation supports delivery on the vision for local government promoted by NI Executive.</p> <p>Need for Dept. to either allocate requisite funding or ensure provisions are sufficient to recover all relevant costs.</p>

2: Ards & North Down Borough Council (LG)

Q.	Comments
1	<p>Needs to cover broad spectrum of sites.</p> <p>Could provide legislation with greater consistency and clarity for authorities and property owners.</p>
2	<p>Must not hinder the use of Art 65 in respect of statutory nuisance.</p> <p>Guidance required on any potential wider scope.</p> <p>Guidance needs to be developed with council officers.</p> <p>Agree that provision should be made to protect listed buildings etc.</p>
3	<p>Notes the existing provisions in respect of waste deposited from other sources (WCL(NI)O 1997) defining NIEA as responsible authority for this area. New legislation should not attempt to shift responsibility onto councils.</p> <p>Definition of "building" would be welcomed.</p> <p>Wider range of administrative and criminal penalties supported.</p> <p>Courts should be able to order compliance with a notice.</p> <p>Robust cost recovery provisions required.</p> <p>Councils require appropriate range of remediation options to prevent the inadvertent loss of protected buildings.</p>
4	<p>The inclusion of appropriate provisions to deal with dangerous buildings is supported and close consultation with councils is recommended.</p> <p>The introduction of powers similar to those contained within the Town and Country Planning Act 1990 would be welcomed.</p> <p>Detailed guidance required.</p>
5	<p>Welcome the repeal of location-specific legislation as long as replacement legislation is sufficiently defined and empowering.</p>
6	<p>Inclusion of powers similar to s.215 for lower level dilapidation welcomed.</p> <p>Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species.</p> <p>Resources will be needed to proactively apply these provisions.</p> <p>Option to serve notices on the occupier as well as the owner is welcomed.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Highlights need for appropriate guidance.</p>
7	<p>While powers to deal with dangerous structures on unfinished sites is welcomed, it is considered that proposed legislation may not be sufficient in all cases.</p> <p>Concern over the potential cost to council of paying compensation where powers under the Planning Act 2011 are used (discontinuance and revocation notices). It would be useful to have option to apply dilapidation legislation in such cases.</p>
8	<p>Highlights that in current financial climate many properties are under the control of someone other than the owner (e.g. receiver appointed by the mortgage holder). Legislation needs to define who is responsible and in what circumstances.</p> <p>Definition of "reasonable efforts" welcomed.</p>
9	<p>Proposals to improve cost recovery mechanisms are welcomed in principle.</p>
10	<p>Preference for statutory guidance, developed in conjunction with councils.</p>

2: Ards & North Down Borough Council (LG)

Q.	Comments
11	<p>Potential provisions seem sensible.</p> <p>Urgent works notices under the Planning Act 2011 are useful but there are issues surrounding cost recovery that need to be addressed.</p> <p>Need to ensure that new legislation does not allow an owner the option of demolition without the consent of the enforcing authority. Where demolition is permitted, it should be accompanied by a "replacement building notice".</p>
12	<p>Prescribed forms should be provided to maintain quality and consistency.</p> <p>Need to manage expectations in light of the difficulty in securing resources.</p>

3: Armagh City, Banbridge & Craigavon Borough Council (LG)

Q.	Comments
1	<p>Enacting new legislation is an opportunity to ensure councils can deal with: dangerous structures; dangerous places; emergency powers; dilapidated/ruinous properties; abandoned, neglected or incomplete sites; and cost recovery issues.</p> <p>Critical for Dept to engage fully with councils and take account of operational matters.</p> <p>New legislation can address human rights concerns with current legislation.</p> <p>Disagrees with suggestion in consultation that new local government model gives councils adequate resources to undertake this role.</p>
2	<p>Agree but important that current use of CNEA provisions is not hindered.</p> <p>Guidance required on any potential wider scope.</p> <p>Guidance needs to be developed with council officers.</p> <p>May bring greater clarity to role of other relevant agencies with powers in this area (e.g. NIHE).</p>
3	<p>Notes the existing provisions in respect of waste deposited from other sources (WCL(NI)O 1997) defining NIEA as responsible authority for this area. New legislation should not attempt to shift responsibility onto councils.</p> <p>Definition of "building" would be welcomed.</p> <p>Wider range of administrative and criminal penalties supported.</p> <p>Courts should be able to order compliance with a notice.</p> <p>Robust cost recovery provisions required.</p> <p>Councils require appropriate range of remediation options to prevent the inadvertent loss of protected buildings.</p>
4	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Need to ensure provisions for dangerous buildings do not hinder application of provisions on dilapidation.</p> <p>Difficulties experienced in identifying owners due to complex land registry system.</p> <p>Robust cost recovery provisions required.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p>
5	<p>Supports rationalisation and simplification of law in this area.</p> <p>The continuation of existing location-specific legislation would complicate the implementation of a consistent NI regime.</p> <p>Need to ensure useful existing provisions are not lost in the process.</p>
6	<p>Inclusion of powers similar to s.215 is welcomed and success of those provisions in E&W is noted.</p> <p>Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Resources will be needed to proactively apply these provisions.</p> <p>Detailed guidance required.</p> <p>Potential value in two-tiered approach.</p> <p>Highlights need to ensure legislation is for proper use of land and not just buildings.</p>

3: Armagh City, Banbridge & Craigavon Borough Council (LG)

Q.	Comments
7	<p>Agree that combination of existing planning powers and proposed new provisions are sufficient but notes that it would be useful for councils to have discretion to apply dilapidation powers in appropriate cases (e.g. where an unfinished site poses a danger or impacts on visual amenity).</p>
8	<p>Highlights that in current financial climate many properties are under the control of someone other than the owner (e.g. receiver appointed by the mortgage holder). Legislation needs to define who is responsible and in what circumstances.</p> <p>Definition of "reasonable efforts" welcomed.</p> <p>Longstanding difficulties identifying and locating owners and subsequently serving notices.</p> <p>Highlighted example in consultation clearly unfair to council and ratepayers and ability to recover costs is important. Priority charge would be welcomed.</p> <p>Welcome proposal to extend liability beyond owner.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p>
9	<p>Agree that appropriate cost recovery provisions are a key element for effectiveness of a new regime.</p> <p>Automatic priority of charges would be welcomed.</p> <p>Secure title for prospective buyers under any enforced sale provisions.</p> <p>In certain circumstances power to vest may be useful.</p> <p><i>Bona vacantia</i> property should revert to council if it holds a charge on the property.</p> <p>Highlights the incomplete reference to heritage issues (conservation areas and ATCs) and the potential difficulties in serving Urgent Works Notices under the Planning Act 2011 (largely resource issues). Clarity on cost recovery is considered vital.</p>
10	<p>Guidance is critical and should be developed in conjunction with local government officers.</p> <p>Preference expressed for statutory guidance.</p> <p>Guidance needs to reflect the discretionary nature of the proposed new legislation.</p>
11	<p>Potential provisions seem sensible.</p> <p>Delicate balance to be struck between protection and ensuring required works are carried out expediently and in a cost effective manner.</p> <p>The application of s.215 powers to address issues before significant deterioration occurs would be welcome.</p> <p>Urgent works notices under the Planning Act 2011 are useful but there are issues surrounding cost recovery that need to be addressed.</p> <p>Need to ensure that new legislation does not allow an owner the option of demolition without the consent of the enforcing authority. Where demolition is permitted, it should be accompanied by a "replacement building notice".</p>
12	<p>Proposed legislation supports delivery on the vision for local government promoted by NI Executive.</p> <p>Need for Dept. to either allocate requisite funding or ensure provisions are sufficient to recover all relevant costs.</p> <p>Need to manage expectations in light of the difficulty in securing resources.</p> <p>Prescribed forms should be provided to maintain quality and consistency.</p>

3: Armagh City, Banbridge & Craigavon Borough Council (LG)

Q.	Comments
Other	<p>Highlights the specific difficulties the council faces with regard to heritage buildings.</p> <p>ABC Council area has:</p> <ul style="list-style-type: none">• 5 Conservation Areas;• 16 ATCs;• 79 Buildings at Risk (BARNI);• 1063 Listed Buildings / Structures. <p>Limited resources have hampered efforts and concern is expressed regarding the requirement of the Town Improvement Clauses Act 1847 that can only require owners to "take down, secure or repair structure" which has led on occasions to the demolition of heritage assets.</p> <p>Several examples of demolished and dangerous structures provided.</p>

4: Belfast City Council (LG)

Q.	Comments
1	<p>Enacting new legislation is an opportunity to ensure councils can deal with: dangerous structures; dangerous places; emergency powers; dilapidated/ruinous properties; abandoned, neglected or incomplete sites; and cost recovery issues.</p> <p>Critical for Dept to engage fully with councils and take account of operational matters.</p> <p>New legislation can address human rights concerns with current legislation.</p>
2	<p>Agree but important that current use of CNEA provisions is not hindered. (See R v Bristol City Council, ex parte Everett).</p> <p>Consider powers in respect of housing also.</p>
3	<p>Welcomes Dept's proposal.</p> <p>Lack of definition of "building" has not caused any difficulties for BCC but if included need to ensure definition is sufficiently wide to include non-building structures.</p> <p>Suggests provision to deal with scenario where owner cannot be identified or located within a reasonable time.</p> <p>Guidance on per diem fines required.</p> <p>Potential to allow court to compel owner to carry out works would be useful.</p> <p>Need to ensure that heritage buildings are properly protected and not inadvertently afforded permitted development rights for demolition.</p>
4	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Need to ensure provisions for dangerous buildings do not hinder application of provisions on dilapidation.</p> <p>Difficulties experienced in identifying owners due to complex land registry system.</p> <p>The ability to take immediate action through the adoption of s.78 would be welcomed.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>BCC unconvinced that provisions of Building Act (except s.78) give any more (in general) than Belfast Improvement Act.</p> <p>Transposition should provide councils with more effective powers and be based on provisions of BIA.</p>
5	<p>Proposals to rationalise and simplify the existing legislation welcomed but essential to retain the most effective parts.</p> <p>Suggest reference to Derelict Sites Act 1990 (ROI) for provisions relating to deposits of rubbish etc.</p>
6	<p>Inclusion of powers similar to s.215 of the Town and Country Planning Act 1990 is welcomed and success of those provisions in E&W is noted.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Detailed guidance required.</p> <p>Potential value in two-tiered approach.</p> <p>Question posed as to potential to utilise s.215 powers to deal with Japanese Knotweed issues.</p>
7	<p>It would be useful to have option to apply dilapidation legislation where sites pose a danger or have significant impact on visual amenity.</p> <p>Concern over the potential cost to council of paying compensation where powers under the Planning Act 2011 are used (discontinuance and revocation notices). (Addendum to original response).</p>

4: Belfast City Council (LG)

Q.	Comments
8	<p>Land registration system causes difficulties in identifying and locating owners - guidance needed as to what constitutes "reasonable efforts".</p> <p>Councils should be able to recoup costs from financial institutions etc where there is a direct beneficiary of works carried out in default.</p> <p>Councils' charge on land should have priority over other charges.</p> <p>Robust cost recovery provisions required in any case.</p>
9	<p>Agree that appropriate cost recovery provisions are a key element for effectiveness of a new regime.</p> <p>Automatic priority of charges would be welcomed.</p> <p>Secure title for prospective buyers under any enforced sale provisions.</p> <p>In certain circumstances power to vest may be useful.</p> <p><i>Bona vacantia</i> property should revert to council if it holds a charge on the property.</p>
10	<p>Guidance is critical and should be developed in conjunction with local government officers.</p> <p>Preference expressed for statutory guidance.</p>
11	<p>Provisions allowing councils to take proactive approach to protecting heritage buildings would be welcomed.</p> <p>Robust cost recovery mechanism required.</p> <p>Should be possible to issue notice to repair or secure property without automatic option to demolish - demolition should be exceptional.</p> <p>If possible, it should be an option to issue a replacement building notice where there is no alternative to demolition.</p>
12	<p>Proposed legislation supports delivery on the vision for local government promoted by NI Executive.</p> <p>Need for Dept. to either allocate requisite funding or ensure provisions are sufficient to recover all relevant costs.</p> <p>Need to manage expectations in light of the difficulty in securing resources.</p>
Other	<p>BCC also enclosed its response to the previous DOE discussion document which gave much greater detail on the need for legislative overhaul.</p>

5: Building Control NI (PB)

Q.	Comments
1	<p>Existing legislation is antiquated, piecemeal and cumbersome - making it more difficult for councils to take effective action.</p> <p>Preference for additional powers and a statutory duty to act.</p> <p>Highlights importance of taking appropriate action - potential risks from dangerous structures.</p> <p>Do not necessarily agree that new council model enhances ability of councils to act.</p> <p>Introduction of new legislation and consistent guidance supported (with appropriate funding).</p>
2	<p>Agree that single consolidated piece of legislation could be useful in relation to regeneration, tourism and reducing anti-social behaviour.</p> <p>Scope of new legislation must cover any building, structure or neglected site.</p>
3	<p>Agree that single consolidated piece of legislation could be useful in relation to regeneration, tourism and reducing anti-social behaviour.</p> <p>Scope of new legislation must cover any building, structure or neglected site.</p>
4	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Scope of new legislation must cover any building, structure or neglected site.</p> <p>Repair, restore, replace or demolish options should be retained.</p> <p>Proposal to not require a court order in cases of imminent danger welcomed.</p> <p>Robust cost recovery provisions need to be attached to these provisions.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p>
5	<p>Agree that location-specific legislation is not beneficial but that there is a need to retain the best provisions of existing legislation and extending provision to allow for vesting by councils to promote regeneration.</p>
6	<p>Would welcome replication of s.215 powers with appropriate guidance.</p> <p>Keen to work with DAERA to develop protocols for evaluation etc.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p>
7	<p>Considers Planning Act powers available to councils to be inadequate to deal with unfinished or abandoned sites due to potential requirement to pay compensation.</p> <p>Would like to see spirit of Planning Act provisions replicated in new Bill, permitting councils to seek alteration or removal of structures without liability for compensation.</p>
8	<p>Notes difficulties identifying and locating owners and welcomes guidance on "reasonable efforts" to identify/locate.</p>
9	<p>Agree that financial burden should fall to those with beneficial interest in property.</p> <p>Would strongly support ability to recover all investigation and administrative costs.</p> <p>Would welcome proposal to explore possibility of extending liability to persons other than the owner.</p> <p>Provisions giving council priority over other charges (financial institutions etc) required.</p> <p>Ability to give prospective purchaser secure title under any enforced sale procedure.</p> <p>Potential to declare property as abandoned and allow council to vest?</p> <p>Consider reversion of <i>bona vacantia</i> property to councils before Crown, where relevant.</p> <p>Proposed additional penalties welcomed.</p>

5: Building Control NI (PB)

Q.	Comments
10	Guidance should be statutory and developed in collaboration with local government officers but only imposed on councils if appropriate level of funding is provided.
11	<p>Advocate proactive approach to all heritage buildings (inc. vernacular and conservation areas) but adequate resources required.</p> <p>Provisions need to clarify that a notice does not permit the demolition of protected buildings.</p> <p>Repairs must take account of heritage status and be agreed with Conservation Officer.</p> <p>Current provisions (urgent works notices) can only require "temporary support or measures".</p>
12	<p>Effective cost recovery provisions critical to ensuring those responsible for detriment pay for its remediation.</p> <p>Concern expressed that a lack of central funding might make councils reluctant to implement, especially if cost recovery provisions were seen as ineffective.</p> <p>Advocate creation of appropriate "central revolving fund".</p>

6: Causeway Coast & Glens Borough Council (LG)

Q.	Comments
1	<p>Existing legislation is antiquated and fragmented, making it more difficult to take effective and efficient action.</p> <p>Preference for additional powers and a statutory duty to act.</p> <p>Highlights importance of taking appropriate action - potential risks from dangerous structures.</p> <p>Do not necessarily agree that new council model enhances ability of councils to act. Danger that a lack of central funding will result in inconsistent application of new legislation.</p> <p>Advocate full rather than phased introduction.</p>
2	<p>Agree with proposed approach but need to engage with council officers to ensure current use of statutory nuisance provisions is not hindered.</p> <p>Need to consider the powers in Housing (NI) Order 1981 that deal with unfitness.</p>
3	<p>Department's approach is welcomed.</p> <p>Provisions required for instances where owner cannot be identified.</p> <p>May be preferable to retain "building or structure" rather than redefining "building".</p> <p>Need to ensure there is no duplication of legislation in respect of "fly-tipping".</p> <p>Cost recovery options must be clear, prescribed and specific.</p> <p>Proposals for additional penalties welcomed, particularly higher fines for serious cases.</p> <p>Compulsion on owners to carry out works needs to be incorporated.</p> <p>Options for demolition and repair/restore should be retained with demolition only as a last resort.</p>
4	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Scope of new legislation must cover any building, structure or neglected site.</p> <p>Repair, restore, replace or demolish options should be retained.</p> <p>Proposal to not require a court order in cases of imminent danger welcomed.</p> <p>Robust cost recovery provisions need to be attached to these provisions.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>While Building Act provisions do not add a great deal, they would add clarity.</p>
5	<p>Agree that location-specific legislation is not beneficial but that there is a need to retain the best provisions of existing legislation and other legislation such as the Derelict Sites Act 1990 in Rol.</p>
6	<p>Inclusion of powers similar to s.215 for lower level dilapidation welcomed.</p> <p>Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species.</p> <p>Resources will be needed to proactively apply these provisions.</p> <p>Tiered approach could also provide clearer parameters for assessment of specific cases.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Highlights need for appropriate guidance.</p>
7	<p>Existing planning powers would have limited impact on addressing the impact of dilapidation and may lead to councils being liable for compensation payments.</p>

6: Causeway Coast & Glens Borough Council (LG)

Q.	Comments
8	<p>Longstanding difficulties identifying and locating owners and subsequently serving notices.</p> <p>Definition of "reasonable efforts" welcomed but guidance also needed.</p> <p>Highlighted example in consultation clearly unfair to council and ratepayers.</p> <p>Ability to recover costs is important, as is priority over other charges.</p> <p>Welcome proposal to extend liability beyond owner.</p>
9	<p>Agree that financial burden should fall to those with beneficial interest in property.</p> <p>Would strongly support ability to recover all investigation and administrative costs.</p> <p>Recommend provisions giving council priority over other charges (financial institutions etc).</p> <p>Helpful to give prospective purchaser secure title under any enforced sale procedure.</p> <p>Potential to declare property as abandoned and allow council to vest or enforce sale?</p> <p>Consider reversion of <i>bona vacantia</i> property to councils before Crown, where relevant.</p>
10	<p>Guidance should be statutory and developed in collaboration with local government officers.</p>
11	<p>Advocate proactive approach to all buildings (not just those that are protected) but adequate resources required.</p> <p>Balance needs to be struck between protecting people and buildings of architectural interest.</p> <p>Provisions enabling early intervention would be welcomed.</p> <p>Provisions could clarify that under specific circumstances a notice does not permit demolition without prior consent of council.</p> <p>If demolition only option potential to enforce requirement for identical facade.</p> <p>Urgent works notices are useful.</p> <p>Robust cost recovery measures essential.</p>
12	<p>Effective cost recovery provisions critical to ensuring those responsible for detriment pay for its remediation.</p> <p>Concern expressed that a lack of central funding might make councils reluctant to implement, especially if cost recovery provisions were seen as ineffective.</p>

7: Chartered Association of Building Engineers NI (PB)

Q.	Comments
1	Existing legislation is outdated, fails to cover all scenarios and is inconsistently applied.
2	Merit in single consolidated piece of legislation if properly resourced. Could go some way to addressing rural and urban regeneration, enhancing tourism and reducing anti-social behaviour. Potential to increase construction activity.
3	As per Q.2
4	As per Q.2 Agree with proposal to not require a court order in cases of imminent danger welcomed. Those who benefit from works should pay all costs.
5	Agree.
6	Wish to see greater use of completion notices and urgent works notices but understand risk to council of being unable to recover costs - should be addressed by Bill.
7	Hopeful that existing powers combined with new regime will be sufficient.
8	Those who benefit from works should pay all costs. Robust powers to identify and locate responsible persons should be included.
9	As per Q.8
10	Guidance should be statutory to promote consistency.
11	Care needed to ensure protection of all heritage buildings and people in-and-around hazards. Early intervention options prior to formal enforcement procedures should be incorporated to help to prevent unnecessary deterioration. Remediation options should not include demolition without the express agreement of local conservation officer and DfC.
12	Look forward to being involved in the policy development process.

8: Chartered Institute of Environmental Health (PB)

Q.	Comments
1	Only option that allows provisions to deal with full scope of problem sites/property. Important to encompass full range of issues, from minor "broken window" scenarios to more extensive problem sites.
2	Agree but important that current use of Art.65 in respect of statutory nuisance is not hindered. Guidance, developed with council officers, required on any potential wider scope.
3	Welcome potential to allow for the removal of rubbish etc deposited from other sources but notes the existing provisions (WCL(NI)O 1997) defining NIEA as responsible authority for "fly-tipping". New legislation should not attempt to shift responsibility onto councils. Definition of "building" would be welcomed. Wider range of administrative and criminal penalties supported. Courts should be able to order compliance with a notice. Robust cost recovery provisions required.
4	Robust amendments to Arts. 65 and 66 may reduce need for replication of Building Act provisions.
6	Inclusion of powers similar to s.215 for lower level dilapidation welcomed. Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species. Resources will be needed to proactively apply these provisions.
7	Proposed provisions strengthen mechanism to address adverse environmental health impacts. Views of relevant professional bodies should be sought regarding planning powers.
8	Highlights that in current financial climate many properties are under the control of someone other than the owner. Legislation needs to define who is responsible and in what circumstances. Definition of "reasonable efforts" welcomed.
9	In principle, proposal to improve cost recovery provisions is welcomed.
10	Preference for statutory guidance, developed in conjunction with councils.
11	Potential provisions seem sensible.
12	Prescribed forms should be provided to maintain quality and consistency.

9: Chief Environmental Health Officers' Group (PB)

Q.	Comments
1	Only option that allows provisions to deal with full scope of problem sites/property. Important to encompass full range of issues, from minor "broken window" scenarios to more extensive problem sites.
2	Agree but important that current use of Art.65 in respect of statutory nuisance is not hindered. Guidance, developed with council officers, required on any potential wider scope.
3	Welcome potential to allow for the removal of rubbish etc deposited from other sources but notes the existing provisions (WCL(NI)O 1997) defining NIEA as responsible authority for "fly-tipping". New legislation should not attempt to shift responsibility onto councils. Definition of "building" would be welcomed. Wider range of administrative and criminal penalties supported. Courts should be able to order compliance with a notice. Robust cost recovery provisions required.
4	Robust amendments to Arts. 65 and 66 may reduce need for replication of Building Act provisions.
6	Inclusion of powers similar to s.215 for lower level dilapidation welcomed. Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species. Resources will be needed to proactively apply these provisions.
7	Proposed provisions strengthen mechanism to address adverse environmental health impacts. Planning colleagues would be better placed to comment regarding planning powers.
8	Highlights that in current financial climate many properties are under the control of someone other than the owner. Legislation needs to define who is responsible and in what circumstances. Definition of "reasonable efforts" welcomed.
9	In principle, proposal to improve cost recovery provisions is welcomed.
10	Preference for statutory guidance, developed in conjunction with councils.
11	Potential provisions seem sensible.
12	Prescribed forms should be provided to maintain quality and consistency.

10: Council for Nature Conservation and the Countryside (AB)

Q.	Comments
1	<p>Welcome rationale that councils require appropriate tools to deal with enhanced remits.</p> <p>Approve of department's aim to seek legislative parity through introduction of a new Bill.</p> <p>Bill should relate to detriment to environmental quality rather than just public health, injury or behaviour.</p> <p>Bill needs to cover sites as well as buildings.</p>
10	<p>Non-statutory guidance must be well informed, up-to-date and provide robust direction.</p>
Other	<p>Need to consider inadvertent side effects on species and habitats - e.g. many older buildings may be used as bat roosts.</p> <p>Derelict land may contain species and habitats of conservation interest - close liaison with Biodiversity Officers required.</p> <p>Neglected sites may provide greater benefits to public health than developed sites.</p> <p>Vacant land may offer opportunities to benefit the whole community - example given of urban stormwater management in Philadelphia.</p>

11: Derry City & Strabane District Council (LG)

Q.	Comments
1	<p>Only option that allows provisions to deal with full scope of problem sites/property. Important to encompass full range of issues, from minor "broken window" scenarios to more extensive problem sites.</p> <p>Existing legislation is antiquated, piecemeal and cumbersome - making it more difficult for councils to take effective action.</p> <p>Engagement with councils vital.</p>
2	<p>Agree but important that current use of CNEA provisions is not hindered. (See R v Bristol City Council, ex parte Everett).</p> <p>Consider powers in respect of housing also.</p> <p>Clarity required on definition of anti-social behaviour.</p>
3	<p>Welcomes Dept's proposal.</p> <p>Need to ensure that definition of "building" is sufficiently wide.</p> <p>Suggests provision to deal with scenario where owner cannot be identified or located.</p> <p>More specific cost recovery options needed for removal of rubbish etc from other sources.</p> <p>Guidance on per diem fines required.</p> <p>Potential to allow court to compel owner to carry out works would be useful.</p> <p>Need to ensure that heritage buildings are properly protected and not inadvertently afforded permitted development rights for demolition.</p>
4	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Need to ensure provisions for dangerous buildings do not hinder application of provisions on dilapidation.</p> <p>Difficulties experienced in identifying owners due to complex land registry system.</p> <p>The ability to take immediate action through the adoption of s.78 would be welcomed.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>BCC unconvinced that provisions of Building Act (except s.78) give any more (in general) than Belfast Improvement Act.</p> <p>Transposition should provide councils with more effective powers and be based on provisions of BIA</p>
5	<p>Proposals to rationalise and simplify the existing legislation welcomed but essential to retain the most effective parts.</p> <p>Suggest reference to Derelict Sites Act 1990 (ROI) for provisions relating to deposits of rubbish etc.</p>
6	<p>Inclusion of powers similar to s.215 of the Town and Country Planning Act 1990 is welcomed and success of those provisions in E&W is noted.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Detailed guidance required.</p> <p>Potential value in two-tiered approach.</p> <p>Question posed as to potential to utilise s.215 powers to deal with Japanese Knotweed issues.</p>
7	<p>It would be useful to have option to apply dilapidation legislation where sites pose a danger or have significant impact on visual amenity.</p> <p>With regard to built conservation, demolition should be considered only as a last resort - priority should be to secure and repair.</p> <p>Consent from planning office should be required before demolition of protected buildings takes place.</p>

11: Derry City & Strabane District Council (LG)

Q.	Comments
8	<p>Land registration system causes difficulties in identifying and locating owners.</p> <p>Definition of "reasonable efforts" welcomed.</p> <p>Councils should be able to recoup costs from financial institutions etc where there is a direct beneficiary of works carried out in default.</p> <p>Councils' charge on land should have priority over other charges in cases where other parties would benefit financially from work carried out by councils.</p> <p>Robust cost recovery provisions required in any case.</p>
9	<p>Agree that financial burden should fall to those with beneficial interest in property.</p> <p>Provisions giving council priority over other charges (financial institutions etc) required.</p> <p>Ability to give prospective purchaser secure title under any enforced sale procedure.</p> <p>Potential to declare property as abandoned and allow council to vest?</p> <p>Consider reversion of <i>bona vacantia</i> property to councils before Crown, where relevant.</p>
10	<p>Preference for statutory guidance, developed in conjunction with councils.</p>
11	<p>Potential provisions seem sensible.</p> <p>Urgent works notices under the Planning Act 2011 are useful but there are issues surrounding cost recovery that need to be addressed.</p> <p>Need to ensure that new legislation does not allow an owner the option of demolition without the consent of the enforcing authority. Where demolition is permitted, it should be accompanied by a "replacement building notice".</p> <p>Commitment by Department to discuss complex and technical issue of heritage buildings with key stakeholders is regarded as positive.</p>
12	<p>Proposed legislation supports delivery on the vision for local government promoted by NI Executive.</p> <p>Greater powers and better cost recovery procedures should allow councils to make a greater contribution to the wider economy, public health, public safety, tourism, regeneration and the reduction of anti-social behaviour.</p> <p>Need to manage expectations in light of the difficulty in securing resources.</p>

12: Fermanagh & Omagh District Council (LG)

Q.	Comments
1	<p>Existing legislation is antiquated and fragmented, making it more difficult to take effective and efficient action.</p> <p>Preference for additional powers and a statutory duty to act.</p> <p>Highlights importance of taking appropriate action - potential risks from dangerous structures.</p> <p>Do not necessarily agree that new council model enhances ability of councils to act. Danger that a lack of central funding will result in inconsistent application of new legislation.</p> <p>Support implementation of new legislation with appropriate central funding.</p>
2	<p>Agree that single consolidated piece of legislation could be useful in relation to regeneration, tourism and reducing anti-social behaviour.</p> <p>Guidance, developed with council officers, required on any potential wider scope.</p> <p>Need to consider the powers in Housing (NI) Order 1981 that deal with unfitnes.</p>
3	<p>Merit in Department's proposed approach.</p> <p>Provisions required for instances where owner cannot be identified.</p> <p>May be preferable to retain "building or structure" rather than redefining "building".</p> <p>Need to ensure no duplication of "fly-tipping" legislation and define where responsibility lies.</p> <p>Cost recovery options must be clear, prescribed and specific.</p> <p>Proposals for additional penalties welcomed - esp. higher fines for serious cases.</p> <p>Compulsion on owners to carry out works needs to be incorporated.</p> <p>Clarity needed on options for demolition and repair/restore to ensure heritage properties can be properly dealt with.</p>
4	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Scope of new legislation must cover any building, structure or neglected site.</p> <p>Repair, restore, replace or demolish options should be retained.</p> <p>Proposal to not require a court order in cases of imminent danger welcomed.</p> <p>Robust cost recovery provisions need to be attached to these provisions.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>Important to engage stakeholders in the process.</p>
5	<p>Agree that location-specific legislation is not beneficial but that there is a need to retain the best provisions of existing legislation and other legislation such as the Derelict Sites Act 1990 in Rol.</p>
6	<p>Inclusion of powers similar to s.215 of the Town and Country Planning Act 1990 is welcomed and success of those provisions in E&W is noted.</p> <p>Suggest potential to utilise s.215 powers to deal with invasive plant species issues is considered.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Potential value in tiered approach.</p> <p>Detailed guidance required.</p>

12: Fermanagh & Omagh District Council (LG)

Q.	Comments
7	<p>Hopeful that existing powers combined with new regime will be sufficient.</p> <p>Existing planning powers (i.e. Completion orders) have limited impact on tidying dilapidated sites and may actually lead to a worse position.</p> <p>Any new provisions must address inadequacies of existing powers and deal robustly with unfinished or abandoned sites.</p>
8	<p>Longstanding difficulties identifying and locating owners - many properties are under the control of someone other than the owner</p> <p>Definition of "reasonable efforts" welcomed but further guidance required.</p> <p>Highlighted example in consultation clearly unfair to council and ratepayers and ability to recover costs is important. Priority charge would be welcomed.</p> <p>Welcome proposal to extend liability beyond owner.</p>
9	<p>Would strongly support ability to recover all investigation and administrative costs.</p> <p>Agree that financial burden should fall to those with beneficial interest in property.</p> <p>Provisions giving council priority over other charges (financial institutions etc) required.</p> <p>Ability to give prospective purchaser secure title under any enforced sale procedure.</p> <p>Potential to declare property as abandoned and allow council to vest?</p> <p>Consider reversion of <i>bona vacantia</i> property to councils before Crown, where relevant.</p>
10	<p>Preference for statutory guidance, developed in conjunction with councils.</p>
11	<p>Advocate proactive approach to all heritage buildings (not just those that are protected) but adequate resources required.</p> <p>Balance needs to be struck between protecting people and buildings of architectural interest.</p> <p>Provisions enabling early intervention would be welcomed.</p> <p>Provisions could clarify that under specific circumstances a notice does not permit demolition and require works to be carried out with due regard to heritage status.</p> <p>Urgent works notices are useful but can be slow and difficult to recover costs.</p> <p>Robust cost recovery measures essential.</p>
12	<p>Effective cost recovery provisions critical to ensuring those responsible for detriment pay for its remediation.</p> <p>Concern expressed that a lack of central funding might make councils reluctant to implement, especially if cost recovery provisions were seen as ineffective.</p> <p>Also highlight:</p> <ul style="list-style-type: none"> • appeals process; • powers of entry; • clearer definitions/guidance; • powers to close roads; • powers to complement heritage protection; • powers to identify owners in emergency; • powers to deal with agents and require information; • powers to deal with estates in bankruptcy etc; • powers for imminent danger; • sustainable development; • clarity on unknown/absent owners; • fast-track demolition powers.

13: Ms. Sarah Graham (PI)

Q.	Comments
1	Support Option 4 - vital that buildings are not allowed to fall into dereliction and disrepair.
2	Agree.
3	Agree.
6	Support replication of E&W legislation.
7	Dept. should go "as far as possible" to ensure sites are brought into use. If owners cannot be found, property should be vested. Banks should pay for repairs if repossessed. Unacceptable for developers to sit on land banks.
9	Use every legislative tool available to recover costs and ensure taxpayers do not have to foot the bill.
10	Guidance should be statutory – no point otherwise.
11	Earlier intervention welcomed.

14: Historic Buildings Council (AB)

Q.	Comments
1	New Bill should co-ordinate protection of the public and heritage buildings. Support suitable agreed guidance. To be truly effective, appropriate central funding required.
2	Merit in single consolidated piece of legislation, providing modern remedies to deal with dilapidation issues.
3	Merit in single consolidated piece of legislation, providing modern remedies to deal with dilapidation issues. Should enable councils to act effectively without threatening heritage properties - gaps in current system has led to loss of buildings.
4	Welcome transposition of relevant provisions but should include a review of existing measures to protect heritage buildings.
5	Historic legislation should be repealed and replaced with a modern fit for purpose Bill.
6	Would like to see more councils using existing 'Completion Order' powers, especially with regard to heritage buildings.
7	Fundamental change required. New legislation should contain safeguards to prevent inappropriate intervention to heritage buildings. Conservation planners and architects should have major role in the process.
8	Welcome any improvement to allow council officers to act more swiftly on dangerous/dilapidated buildings.

14: Historic Buildings Council (AB)

Q.	Comments
9	As per Q.8 Where building/structure has heritage value councils' first priority should be to secure and protect with cost recovery a secondary issue.
10	Guidance should be statutory and developed with planning conservation officers and conservation architects.
11	Great care required to ensure councils can act swiftly to protect the public without threatening buildings/structures/sites of historic interest. Option of demolition must be as last resort and in consultation with conservation officer and conservation architects. Urgent works notices are useful but need more effective cost recovery provisions to encourage their use.

15: Keep Northern Ireland Beautiful (NGO)

Q.	Comments
1	Issues explored in consultation integral to keeping NI beautiful. Core drivers of KNIB's work - impact on health; prosperity (tourism and inward investment); and quality of life where we live, learn and work are highly pertinent to issues of dilapidation. Synergy between Live Here Love Here campaign and dilapidation proposals. Enabling legislation should be introduced giving councils the tools to deal with the problem and a duty to act.
Other	Key issues include: Preventing crime and anti-social behaviour <ul style="list-style-type: none"> • Need to tackle causes or facilitators on a broad front. Growing a strong economy <ul style="list-style-type: none"> • Significant evidence that local environmental quality positively and negatively impacts tourism and inward investment. Health and wellbeing <ul style="list-style-type: none"> • Tackling the causes of crime and anti-social can lead to the creation of well designed and maintained public spaces that will help to shape local communities. Making it work <ul style="list-style-type: none"> • Effective cost recovery measures essential. • Consistency of understanding and application necessary. • Need to consider issues around power of sale.

16: Lisburn & Castlereagh City Council (LG)

Q.	Comments
1	<p>Enacting new legislation is an opportunity to ensure councils can deal with: dangerous structures; dangerous places; emergency powers; dilapidated/ruinous properties; abandoned, neglected or incomplete sites; and cost recovery issues.</p> <p>Critical for Dept to engage fully with councils and take account of operational matters.</p> <p>New legislation can address human rights concerns with current legislation.</p> <p>Disagrees with suggestion in consultation that new local government model gives councils adequate resources to undertake this role.</p>
2	<p>Agree but important that current use of CNEA provisions is not hindered.</p> <p>Guidance, in consultation with enforcement authority, required on any potential wider scope (to clarify if dumping, fly-tipping and littering to be included).</p> <p>May bring greater clarity to role of other relevant agencies with powers in this area (e.g. NIHE).</p> <p>Support introduction of stronger powers in respect of listed buildings.</p>
3	<p>Notes existing provisions in respect of waste deposited from other sources defining NIEA as responsible authority. New legislation should not shift responsibility onto councils.</p> <p>Definition of "building" may provide clarity but current flexibility should not be lost.</p> <p>Wider range of penalties supported but need appropriate mechanism for per diem penalties.</p> <p>Courts should be able to order compliance with a notice.</p> <p>Critical to ensure provisions for instances where owner cannot be identified within a certain period.</p> <p>Robust cost recovery provisions required.</p> <p>Support stronger powers to prevent the inadvertent loss of protected buildings.</p>
4	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Need to ensure provisions for dangerous buildings do not hinder application of provisions on dilapidation.</p> <p>Difficulties experienced in identifying owners due to complex land registry system.</p> <p>Building Act provisions do not add a great deal to Belfast Improvement Act, which should be basis of new legislation.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>Any transposition must provide councils with more effective powers than they already have.</p>
5	<p>Supports rationalisation and simplification of law in this area.</p> <p>The continuation of existing location-specific legislation would complicate the implementation of a consistent NI regime.</p> <p>Need to ensure useful existing provisions are not lost in the process.</p>
6	<p>Inclusion of powers similar to s.215 is welcomed and success of those provisions in E&W is noted.</p> <p>Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Resources will be needed to proactively apply these provisions.</p> <p>Detailed guidance required.</p>

16: Lisburn & Castlereagh City Council (LG)

Q.	Comments
7	<p>Agree that combination of existing planning powers and proposed new provisions are sufficient but notes that it would be useful for councils to have discretion to apply dilapidation powers in appropriate cases (e.g. where an unfinished site poses a danger or impacts on visual amenity).</p>
8	<p>Highlights that in current financial climate many properties are under the control of someone other than the owner (e.g. receiver appointed by the mortgage holder). Legislation needs to define who is responsible and in what circumstances.</p> <p>Definition of "reasonable efforts" welcomed.</p> <p>Longstanding difficulties identifying and locating owners and subsequently serving notices.</p> <p>Highlighted example in consultation clearly unfair to council and ratepayers and ability to recover costs is important. Priority charge would be welcomed.</p> <p>Welcome proposal to extend liability beyond owner.</p>
9	<p>Agree that appropriate cost recovery provisions are a key element for effectiveness of a new regime.</p> <p>Automatic priority of charges would be welcomed.</p> <p>Secure title for prospective buyers under any enforced sale provisions.</p> <p>In certain circumstances power to vest may be useful.</p> <p><i>Bona vacantia</i> property should revert to council if it holds a charge on the property.</p>
10	<p>Guidance is critical and should be developed in conjunction with local government officers.</p> <p>Preference expressed for statutory guidance.</p>
11	<p>Delicate balance to be struck between protection and ensuring required works are carried out expediently and in a cost effective manner.</p> <p>Should be possible to issue notice without the option of demolition "if he so elects".</p> <p>Application of s.215 powers to address issues before significant deterioration occurs would be welcome.</p> <p>Urgent works notices under the Planning Act 2011 are useful but there are issues surrounding cost recovery that need to be addressed.</p> <p>Need to ensure that new legislation does not allow an owner the option of demolition without the consent of the enforcing authority. Where demolition is permitted, it should be accompanied by a "replacement building notice".</p>
12	<p>Proposed legislation supports delivery on the vision for local government promoted by NI Executive.</p> <p>With enhanced powers and cost recovery mechanisms councils can proactively deal with problem sites, contributing to wider economy, public health, public safety, tourism and a reduction in anti-social behaviour.</p> <p>Need to manage expectations in light of the difficulty in securing resources.</p>

17: Mid & East Antrim Borough Council (LG)

Q.	Comments
1	Needs to cover broad spectrum of sites.
2	<p>Must not hinder the use of Art 65 in respect of statutory nuisance.</p> <p>Guidance required on any potential wider scope.</p> <p>Guidance needs to be developed with council officers.</p>
3	<p>Notes the existing provisions in respect of waste deposited from other sources (WCL(NI)O 1997) defining NIEA as responsible authority for this area. New legislation should not attempt to shift responsibility onto councils.</p> <p>Definition of "building" would be welcomed.</p> <p>Wider range of administrative and criminal penalties supported.</p> <p>Courts should be able to order compliance with a notice.</p> <p>Robust cost recovery provisions required.</p>
4	<p>The inclusion of appropriate provisions to deal with dangerous buildings is supported and close consultation with councils is recommended.</p> <p>Detailed guidance required.</p>
5	Repeal of location-specific legislation and re-enactment would aid consistency.
6	<p>Inclusion of powers similar to s.215 for lower level dilapidation welcomed.</p> <p>Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species.</p> <p>Resources will be needed to proactively apply these provisions.</p> <p>Option to serve notices on the occupier as well as the owner is welcomed.</p>
7	<p>Scope of proposed legislation has potential to address adverse environmental health impacts.</p> <p>Notes usefulness of Planning Act powers (completion notices etc).</p>
8	<p>Highlights that in current financial climate many properties are under the control of someone other than the owner. Legislation needs to define who is responsible and in what circumstances.</p> <p>Definition of "reasonable efforts" welcomed.</p>
9	Proposals to improve cost recovery mechanisms are welcomed in principle.
10	Preference for statutory guidance, developed in conjunction with councils.
11	<p>Potential provisions seem sensible.</p> <p>Potential conflict between current dilapidation legislation and built heritage legislation noted (option for demolition in Art.66).</p>
12	Prescribed forms should be provided to maintain quality and consistency.

18: Mid Ulster District Council (LG)

Q.	Comments
1	<p>Important that scope encompasses wide range of sites.</p> <p>Option 4 can facilitate the introduction of specific legislation to protect historic built assets and promote cooperation within the council.</p> <p>Introduction of "s.215 powers" would benefit the community.</p> <p>Buildings at Risk Register could form basis for identifying problem sites.</p> <p>Support for option 4 on basis that appropriate central funding is provided.</p>
2	<p>Agree but important that current use of Art.65 in respect of statutory nuisance is not hindered.</p> <p>Guidance, developed with council officers, required on any potential wider scope.</p>
3	<p>Welcome potential to allow for the removal of rubbish etc deposited from other sources but notes the existing provisions (WCL(NI)O 1997) defining NIEA as responsible authority for "fly-tipping". New legislation should not attempt to shift responsibility onto councils.</p> <p>Definition of "building" would be welcomed.</p> <p>Wider range of administrative and criminal penalties supported.</p> <p>Courts should be able to order compliance with a notice.</p> <p>Robust cost recovery provisions required.</p>
4	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Scope of new legislation must cover any building, structure or neglected site.</p> <p>Repair, restore, replace or demolish options should be retained.</p> <p>Proposal to not require a court order in cases of imminent danger welcomed.</p> <p>Robust cost recovery provisions need to be attached to these provisions.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>While Building Act provisions do not add a great deal, they would add clarity.</p>
5	<p>Agree that location-specific legislation is not beneficial but that there is a need to retain the best provisions of existing legislation and other legislation such as the Derelict Sites Act 1990 in Rol.</p>
6	<p>Inclusion of powers similar to s.215 for lower level dilapidation welcomed.</p> <p>Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species.</p> <p>Resources will be needed to proactively apply these provisions.</p> <p>Useful to have ability to apply these powers in respect of conservation areas and areas of townscape/village character (with agreed planning consents).</p> <p>Highlights need for appropriate guidance.</p>
7	<p>Scope of proposed legislation has potential to address adverse environmental health impacts.</p> <p>Useful to be able to use discretion to use other provisions where visual amenity, for example, is an issue.</p>

18: Mid Ulster District Council (LG)

Q.	Comments
8	<p>Highlights that in current financial climate many properties are under the control of someone other than the owner. Legislation needs to define who is responsible and in what circumstances.</p> <p>Definition of "reasonable efforts" welcomed.</p> <p>Longstanding difficulties identifying and locating owners and subsequently serving notices.</p> <p>Priority of council charges over other charges needed.</p> <p>Welcome proposal to extend liability beyond owner.</p>
9	<p>Proposals to improve cost recovery mechanisms are welcomed in principle.</p> <p>Burden of preventing and addressing dilapidation should fall to those with beneficial interest in property.</p>
10	<p>Preference expressed for statutory guidance for avoidance of doubt.</p> <p>Guidance should be developed in conjunction with council and other stakeholders.</p>
11	<p>Option 4 can encourage a joined up approach to facilitate the protection, conservation and enhancement of historic built environment.</p> <p>Bill could include requirement for notices to take into account heritage status of buildings - onus should be on secure/repair rather than demolish.</p> <p>New regime could highlight need to comply with Planning Act provisions.</p> <p>S.215 powers could complement and support Planning Act powers.</p> <p>Buildings at risk register could be used to identify potentially at risk properties that could benefit from a proactive approach to protect from deterioration.</p> <p>Should be made clear to owners that historic built heritage is top priority - higher penalties applied.</p>
12	<p>Effective cost recovery provisions critical to ensuring those responsible for detriment pay for its remediation.</p> <p>Concern expressed that a lack of central funding might make councils reluctant to implement, especially if cost recovery provisions were seen as ineffective.</p>
Other	<p>Stress that Option 4 is preferred only if additional central government funding is made available.</p>

19: Ministerial Advisory Group for Department for Communities (AB)

Q.	Comments
Other	<p>MAG advocates an alternative approach through the promotion and use of tailored creative processes with significant local community involvement rather than relying completely on statutory processes.</p> <p>The MAG response highlights a range of examples of successful community projects in Northern Ireland and the US.</p>

20: National Trust (NGO)

Q.	Comments
Other	<p>The National Trust commends the bringing forward of the consultation and endorses the response submitted by NIEL.</p>

21: Newry Mourne & Down District Council (LG)

Q.	Comments
1	<p>Existing legislation is antiquated and fragmented, making it more difficult to take effective and efficient action.</p> <p>Preference for additional powers and a statutory duty to act.</p> <p>Highlights importance of taking appropriate action - potential risks from dangerous structures.</p> <p>Do not necessarily agree that new council model enhances ability of councils to act. Danger that a lack of central funding will result in inconsistent application of new legislation.</p> <p>Support implementation with appropriate central government funding.</p>
2	<p>Merit in single consolidated piece of legislation providing modern remedies to deal with dilapidation issues.</p> <p>Could go some way to addressing regeneration, enhancing tourism and reducing anti-social behaviour.</p> <p>Important to engage with council officers to ensure that current use of CNEA provisions is not hindered.</p> <p>Consider powers in respect of housing also.</p>
3	<p>Merit in Department's proposed approach.</p> <p>Provisions required for instances where owner cannot be identified.</p> <p>Important to cover "building or structure" rather than limiting to "building".</p> <p>Need to ensure no duplication of "fly-tipping" legislation and define where responsibility lies.</p> <p>Cost recovery options must be clear, prescribed and specific.</p> <p>Proposals for additional penalties welcomed - esp. higher fines for serious cases.</p> <p>Compulsion on owners to carry out works needs to be incorporated.</p> <p>Legislation should allow councils to deal with hazards while ensuring heritage properties can be properly protected.</p>
4	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Scope of new legislation must cover buildings and structures.</p> <p>Repair, restore, replace or demolish options should be retained.</p> <p>Proposal to not require a court order in cases of imminent danger welcomed.</p> <p>Robust cost recovery provisions need to be attached to these provisions.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>Important to engage stakeholders in the process.</p>
5	<p>Agree that location-specific legislation is not beneficial but that there is a need to retain the best provisions of existing legislation and other legislation such as the Derelict Sites Act 1990 in Rol.</p>
6	<p>Inclusion of powers similar to s.215 of the Town and Country Planning Act 1990 is welcomed and success of those provisions in E&W is noted.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Clear guidance required.</p> <p>Potential value in two-tiered approach.</p>

20: National Trust (NGO)

Q.	Comments
7	<p>While powers to deal with dangerous structures on unfinished sites is welcomed, it is considered that proposed legislation may not be sufficient in all cases.</p> <p>Concern over the potential cost to council of paying compensation where powers under the Planning Act 2011 are used (discontinuance and revocation notices). It would be useful to have option to apply dilapidation legislation in such cases.</p>
8	<p>Longstanding difficulties identifying and locating owners and subsequently serving notices.</p> <p>Definition of "reasonable efforts" welcomed but guidance also needed.</p> <p>Highlighted example in consultation clearly unfair to council and ratepayers.</p> <p>Ability to recover costs is important, as is priority over other charges.</p> <p>Welcome proposal to extend liability beyond owner.</p>
9	<p>Would strongly support ability to recover all investigation and administrative costs.</p> <p>Automatic priority of charges would be welcomed.</p> <p>Secure title needed for prospective buyers under any enforced sale provisions.</p> <p>In certain circumstances power to vest may be useful.</p> <p><i>Bona vacantia</i> property should revert to council if it holds a charge on the property.</p>
10	<p>Guidance should be statutory and developed in collaboration with local government officers but only imposed on councils if appropriate level of funding is provided.</p>
11	<p>Advocate proactive approach to all heritage buildings (inc. vernacular and conservation areas) but adequate resources required.</p> <p>Balance needs to be struck between protecting people and buildings of architectural interest.</p> <p>Urgent works notices are useful but need more effective cost recovery provisions to encourage their use. Can only require "temporary support or measures".</p> <p>New legislation could provide for notices that did not give option of demolition and for repairs to take account of heritage status, agreed with Conservation Officer.</p>
12	<p>Effective cost recovery provisions critical to ensuring those responsible for detriment pay for its remediation.</p> <p>Concern expressed that a lack of central funding might make councils reluctant to implement, especially if cost recovery provisions were seen as ineffective.</p> <p>Seeks department's view on potential to use proposed legislation to address invasive plant species.</p> <p>Also highlight:</p> <ul style="list-style-type: none"> • appeals process; • powers of entry; • clearer definitions/guidance; • powers to close roads; • powers to complement heritage protection; • powers to identify owners in emergency; • powers to deal with agents and require information; • powers to deal with estates in bankruptcy etc; • powers for imminent danger; • sustainable development; • clarity on unknown/absent owners; • fast-track demolition powers.

22: Northern Ireland Environment Link (NGO)

Q.	Comments
1	Enabling legislation should be introduced giving councils the tools to deal with the problem and a duty to act.
Other	<p>Key issues:</p> <p>Place-making/shaping and community cohesion</p> <ul style="list-style-type: none"> • Councils should be cognisant of importance of placemaking in building communities. • Role of environment and heritage can play should not be underestimated. <p>Heritage and innovation</p> <ul style="list-style-type: none"> • Proper protection and conservation of our rich historic surroundings is needed. • Conservation needs to be holistic. • Contribution of heritage to the economy is significant but creativity and investment required to unlock potential. • Creative use of old buildings in everyday surroundings is recommended, as is meanwhile/interim use. • New legislation should enhance protection through enabling innovative solutions to dilapidation and incentives to use, rather than demolish. • Should address "right ownership" and potential for community regeneration. <p>Brownfield sites of high environmental value</p> <ul style="list-style-type: none"> • A minority of previously developed sites are havens for wildlife, often providing 'wild space' in urban areas. • Where contamination is not an issue there is potential to make these sites accessible, safe and enjoyable for recreational activity. • Appropriate wildlife surveys should be carried out before works are carried out. <p>Making it work on the ground</p> <ul style="list-style-type: none"> • New legislation should allow statutory undertakers to recover their full costs. • Statutory undertakers must be willing and able to use their powers in a consistent manner. • May be need to explore issues around enforced sale of property.

23: Northern Ireland Local Government Association (LG)

Q.	Comments
Other	<p>Endorses response submitted by Building Control Northern Ireland and urges the department to work closely with council officers to ensure that new legislation is appropriate, enforceable and does not place an undue financial burden on councils.</p> <p>Also highlights the derelict land levy included in the Republic of Ireland's Urban Regeneration and Housing Act for consideration.</p> <p>Cost recovery seen as a key issue.</p>

24: Ulster Architectural Heritage Society (NGO)

Q.	Comments
1	Agree that option 4 should be the preferred option.
11	<p>Important to clarify the range of formal and informal designations covered by term, "Heritage Buildings" - includes scheduled monuments, listed buildings, conservation areas, areas of townscape character, vernacular buildings and locally listed structures.</p> <p>New Bill should have safeguards in place to ensure the legislative framework enhances rather than threatens the protection of our heritage buildings, including individual elements of heritage value (e.g. shop fronts).</p>
12	<p>Additional legislation and guidance to support planning enforcement for heritage buildings supported but will require detailed professional input.</p> <p>"Gap sites" are a significant issue.</p> <p>Dealing with the problem of dilapidation will deliver much wider benefits for planning, local economic development, community development, tourism and regeneration.</p> <p>Potential to use the established Built Heritage at Risk Northern Ireland (BHARNI) register to help to identify the scale of the problem.</p> <p>Priority should be given to identifying, auditing and evaluating buildings - may also bring funding opportunities.</p> <p>Early intervention is a widely recognised approach to building conservation.</p> <p>Suggest that priority is given to heritage buildings as they have been designated as those of greatest intrinsic value to society.</p>