



Northern Ireland Audit Office

Safeguarding Northern Ireland's Listed Buildings



REPORT BY THE COMPTROLLER AND AUDITOR GENERAL
2 March 2011



Northern Ireland Audit Office

Report by the Comptroller and Auditor General for Northern Ireland

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Safeguarding Northern Ireland's Listed Buildings

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Comptroller and Auditor General

Northern Ireland Audit Office
2 March 2011

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Abbreviations

DCMS	Department for Culture, Media and Sport
DOE	Department of the Environment
EHS	Environment and Heritage Service
e-PIC	Electronic Planning Information for Citizens
NI	Northern Ireland
NIA	Northern Ireland Assembly
NIEA	Northern Ireland Environment Agency
OFMDFM	Office of the First Minister and Deputy First Minister
PSA	Public Service Agreements
UK	United Kingdom

Key Findings and recommendations



Key Findings and recommendations

Survey of historic buildings

1. We acknowledge the difficulties inherent in protecting heritage assets and not least in undertaking a survey of the sort currently ongoing to identify structures suitable for listing. By its very nature, it is impossible to predict precisely what the survey results will be in each location. However, the Northern Ireland Environment Agency's (NIEA) management of the first phase of work, in the period up to 2007, was not sufficiently robust to ensure that it progressed quickly enough, nor that the results delivered value for money. We found that:
 - the arrangements in place represented a 'rolls royce' approach, with a large number of buildings being selected for survey in a given area. This resulted in a large workload and, together with the more detailed nature of the records being produced and the level of available resources, has contributed to the survey falling significantly behind schedule (paragraphs 2.3 – 2.7);
 - NIEA did not determine, in advance, the work that contractors were required to complete, nor what it was expected to cost, with payment based solely on hourly rates. The absence of such basic management controls meant that the volume and cost of outputs were, in effect, determined by the contractors rather than being managed by NIEA. This arrangement also rendered performance measurement largely impossible (paragraphs 2.10 – 2.11);
 - in the event, around 3,700 (approximately 60 per cent) of the buildings surveyed up to 2010, at a cost of approximately £1.1 million, were not considered suitable for listing. It is to be expected that some surveyed structures would fail to meet the listed standard, but an on-going non-listed rate of this magnitude is wasteful of scarce resources and NIEA did not act quickly enough to reduce it (paragraphs 2.12 – 2.14); and
 - previously, the large volume of survey records being produced and consequent processing delays resulted in an ongoing backlog of records awaiting a listing decision and, in the interim, these structures were potentially at risk of alteration or demolition because they did not have the protection afforded by listing. However, the more targeted identification of buildings for survey under a new contract, and a revised system within NIEA, have so far resulted in an improved outcome, with records submitted by contractors being processed within the agreed timetable (paragraph 2.22).

Historic Buildings grant scheme

2. It is accepted best practice for grant schemes to incorporate performance measures, as drivers to ensure that the scheme achieves its objectives and delivers value for money on an ongoing basis. The only specific measure of performance for the historic buildings

grant scheme has been the degree to which the planned level of spend for each financial year has been incurred and this means that its success cannot be measured objectively. NIEA has calculated that, on average, each £1 of grant aid attracts a further £4.70 in investment by owners.

3. However, we found that:

- the pattern of grant aid over the last five years shows that 54 per cent has been spent on the more important and rare buildings in the higher categories. While this is a very positive outcome, this expenditure pattern has happened largely by chance rather than by design. A capping mechanism introduced in 2009-10 restricted the amount payable in respect of individual buildings, including one in Category A, freeing up over £900,000 to grant aid other buildings, including some in lower categories. In December 2010, the cap was further reduced to £50,000 (paragraphs 3.2 to 3.7);
- a targeting mechanism to prioritise grant approvals was drawn up in 2009 but not used because demand for grant aid did not exceed budget (paragraph 3.9);
- the NI Sustainable Development Strategy contains a target to remove 200 structures from the Built Heritage at Risk Register by 2016. However, NIEA does not have a prioritised list of buildings that it wishes to see

removed from the Register and there is currently no mechanism to direct grant to the most urgent or important cases (paragraph 3.11);

- owners are not required to submit a plan for the ongoing maintenance of buildings following the award of grant, to ensure that improvements are maintained, and the long-term benefits of grant aid in improving the listed building stock are not measured; (paragraphs 3.14 – 3.16); and
- Departments have not complied with a UK-wide protocol setting out requirements for reporting on the condition and maintenance of listed buildings that they own. Case examples indicate that differences in approach to the conservation of such buildings have the potential to influence outcomes after they are vacated (paragraphs 3.18 to 3.21).

Enforcement of listed buildings regulations

4. Enforcement of regulations to protect listed buildings is the responsibility of Planning Service, with expert support from NIEA. However, the process has been hindered by a delay in agreeing procedures for collaborative working between NIEA and Planning Service and deficiencies in the management information systems in both Agencies. The Criminal Justice Inspectorate noted in 2007 that there was scope for greater collaborative working between the two Agencies and recommended the establishment of a

Key Findings and recommendations

single incident and enforcement database for use by all relevant parts of the Department. This has not yet been done (paragraphs 4.6 - 4.7).

Quality of Management Information

5. Effective management is dependent upon the availability of timely, reliable and comprehensive management information. However, we found a number of shortcomings in the quantity and quality of basic information available to NIEA managers. For example, the system recording details of the listed buildings stock cannot produce summary information and, as a result:

- there is no facility to automatically generate a report providing the total number of listed buildings broken down by category and by year and this must be done manually at year end (paragraph 3.2);
- statistical information, such as the percentage of buildings in each category awarded grant in each year can also only be produced through a year-end manual exercise (see paragraph 3.2).
- the limited functionality of the online Built Heritage at Risk register undermines its potential usefulness as a basis for ranking listed structures in order of importance or vulnerability, or for targeting action to rescue them (see paragraphs 3.11-3.12);

- information on the number of listed buildings owned by individual Government Departments is not routinely reported on (see paragraph 3.19); and

- NIEA's Maintenance Enforcement and Repair Database has not facilitated effective case management or liaison with Planning Service on enforcement action because of incomplete data entry in the period up to September 2009 (see paragraph 4.11).

Recommendations

6. In delivering public services, Departments must be clear about what constitutes effective use of resources, particularly in the current economic climate. In that respect, the pre-determined work programme and fixed-price arrangements introduced by NIEA for the current area survey contract are welcome steps that will facilitate assessment of the extent to which value for money has been delivered. Similarly, the current review of the grant scheme provides an opportunity for NIEA to design a revised approach that clearly outlines its objectives and how its success will be measured.
7. Built heritage functions are likely to be affected by savings proposals of £0.8 million in 2011-12, including cessation of grants to purchase buildings at risk and suspension of survey work. Whatever level of resources NIEA has at its disposal for built heritage management in future years, we consider that it should put

further measures in place to optimise the management of those resources by prioritising key areas of work, including:

- producing a large number of survey records that yield a low rate of listed buildings is wasteful of resources and has undoubtedly contributed to the need to extend the survey completion target to 2020. **We recommend that improved arrangements built into the current contract for targeting survey work and managing throughput of work within NIEA are reflected in all future contracts for the remainder of the survey process;**
- the approach adopted prior to 2008 resulted in over half of the buildings surveyed not being listed. We consider that NIEA must be able to demonstrate that its survey work targets scarce resources on listing structures that are at greatest risk, either as a result of not yet being listed or because their listing record is considerably deficient. **We recommend that NIEA builds on its procedures for the current contract by formally prioritising for survey those buildings that are most at risk. We also recommend that decisions on the approach to be taken after the current contract expires in 2013 are based on a through appraisal of a range of relevant, fully costed options, to ensure that future survey work delivers value for money;**
- it is unacceptable for grant schemes to be demand-led and we consider that resources should be directed to the most important and vulnerable structures. In our view, the revised grant scheme emerging from the current review should include a mechanism for meeting the target to remove 200 structures from the Built Heritage at Risk register by 2016. With that in mind, **we recommend that NIEA prioritises the listed properties on the register and engages more proactively with their owners, to encourage them to improve their properties and, if relevant, to avail of grant aid;**
- in December 2009, NIEA introduced a £250,000 cap on the level of grant in individual cases. This means that some low-grade buildings with lower repair costs have in effect received the full level of grant for which they qualify, at the expense of more high-grade buildings needing expensive repairs. This undermines the potential of the grading system to be used as a means of targeting grant aid and this is likely to be exacerbated as a result of reducing the cap to £50,000 cap in December 2010. **We recommend that NIEA puts in place a formal weighting and scoring mechanism for assessing grant applications and gives priority to those with a higher score. As a result, buildings with a low score would become ineligible for grant;**
- the 2006 Sustainable Development Strategy formally committed the NI public sector to setting a good

Key Findings and recommendations

example in the care of its historic estate. However, we found that the public sector has not fulfilled its responsibilities for reporting on the condition of its listed buildings and there is inconsistency in the procedures employed in maintaining and disposing of publicly owned listed buildings. **We recommend that OFMDFM and NIEA work together to put formal processes in place to ensure that public bodies understand, and comply with, their management and reporting responsibilities in this area;**

- the enforcement function requires effective joint working between NIEA and Planning Service, but this has been hampered by an absence of formal procedures to guide staff and by poor quality management information on which to base decisions. **We recommend that implementation of and compliance with new procedures agreed in June 2010 is regularly monitored and reported. We also recommend that the Department establishes the enforcement database recommended by the Criminal Justice Inspectorate in its 2007 report; and**
- the existing gaps in built heritage information systems are an impediment not only to effective management of workload and budgets, but also to measurement of performance outcomes. **We recommend, therefore, that NIEA undertakes a**

review to clearly establish the full range of management and costing information that it requires on an ongoing basis, and quickly puts in place the systems needed to generate it.

Part One: Introduction



This part of the report examines:

- NIEA's role in conserving built heritage assets
- Measuring NIEA's performance
- The scope of our report

Part One: Introduction

The NI Environment Agency takes the lead role in conserving built heritage assets

1.1 The built heritage, which includes historic buildings and monuments, is an irreplaceable cultural asset. Managed well, it can:

- help to maintain local identity;
- contribute to the quality of life for residents and communities;
- play an important/leading role in local regeneration projects; and
- assist with tourism and economic development initiatives.

It is difficult to put a monetary value on the contribution made to the economy by the built heritage. However, the NI Tourist Board estimates that visits by out-of-state tourists in 2009 represented some 61 per cent of visits to Northern Ireland's historic properties¹ and they therefore have the potential to create significant tourism revenue.

1.2 The Department for the Environment (the Department) is responsible for undertaking measures to safeguard Northern Ireland's built heritage. This includes a statutory duty² to compile lists of buildings of special architectural or historic significance, known as 'listed buildings', of which there are currently around 8,500 in Northern Ireland (see **Appendix 1** for

details of listed building categories and the number of buildings in each grade). Most are in private ownership, but around ten per cent (858) are owned by public bodies. Listed buildings are afforded statutory protection and, in most cases³, owners proposing to carry out alterations or demolition must first obtain a Listed Buildings Consent from the Department's Planning Service, which consults the Department's Environment Agency (NIEA) when considering any relevant planning applications. Functions related to built heritage conservation are undertaken mainly by NIEA, whose Built Heritage Directorate is responsible for carrying out these functions by:

- **identification** - through recording surveys;
- **protection** - principally through state care, plus scheduling⁴ and listing;
- **conservation** - through direct works, grant aid, offering advice and responding to planning applications, as well as developing initiatives to tackle built heritage at risk; and
- **promotion** - through events such as European Heritage Open Days and Archaeology Days, the Monuments and Buildings Record⁵ and through talks and publications.

In 2009-10, NIEA spent around £6 million on Built Heritage functions

1 Northern Ireland Tourist Board - Visits to NI and revenue generated

2 Article 42 of the Planning (NI) Order 1991.

3 Churches in active use are exempt from this requirement

4 The Schedule is a list of historic monuments and sites that are afforded statutory protection

5 The Monuments and Buildings Record includes the Sites and Monuments Record, Historic Buildings Record and Industrial Heritage Record, along with records about Defence and Maritime heritage, Battlefields, Parks, Gardens and Demesnes of special historical interest.

overall, of which £0.342m related to survey work, £3.5 million to grants and £2.4 million to operating costs related to archaeology and maintenance of monuments.⁶

- 1.3 In addition to its responsibilities with regard to listed buildings, NIEA also has a statutory duty to care for, and make accessible to the public, around 190 monuments in state care. It also has a statutory duty to maintain a Schedule of Historic Monuments identified for special protection and works to these require Scheduled Monuments Consents, which are determined by its Historic Monuments Unit. NIEA also maintains a publicly accessible archive of information about the historic environment within its Monuments and Buildings Record, including the Heritage Gardens Inventory.

Actions taken in pursuit of the PSA target include payment of grant to listed building owners and supporting the voluntary sector in developing building preservation trusts.

- 1.5 NIEA sets annual targets in its business plan, designed to ensure delivery of these overall targets. Performance against annual targets has improved in recent years, as Figure 1 overleaf shows:
- 1.6 While it is too early to say whether the overall target to save 200 buildings at risk by 2016 is likely to be met, NIEA is on course to meet its PSA 22 milestone target of saving at least 45 buildings at risk by March 2011. The target date for completing the second survey was revised in April 2010, in light of budgetary constraints, and it is not now expected to be achieved until 2020.

NIEA performance is measured against two key targets

- 1.4 The NI Sustainable Development Strategy⁷ sets out two key targets for protection of the built heritage, both to be achieved by 2016, and these are reflected in the Department's Corporate Plan. They are:
- to complete the second survey⁸ of buildings; and
 - to rescue at least 200 structures on the Built Heritage at Risk register.⁹ This is also a Public Service Agreement Target for the Department (PSA 22).

Scope of our report

- 1.7 This report examines the following key area of built heritage protection:
- the performance of NIEA in undertaking the work necessary to fulfil its statutory responsibility to compile a list of historic buildings; (**Part Two** of the report)
 - the contribution made by grant aid to conserving historic buildings; (**Part Three** of the report), and

⁶ Archaeological costs associated with surveys and excavations, including maritime objects and the establishment and maintenance of a Maritime Record with the University of Ulster. Monument costs include the maintenance and repair of the 185 monuments in state care and contributions towards the costs of conservation schemes of other scheduled monuments.

⁷ 'First Steps Towards Sustainability' – A Sustainable Development Strategy for Northern Ireland (May 2006)

⁸ The first survey to compile a record of listed buildings began in 1969 and was completed in 1994. The second survey (to compile a revised list) began in 1997.

⁹ A list of buildings that are under threat from neglect or future development, compiled by the Ulster Architectural Heritage Society on the Agency's behalf.

Part One: Introduction

Figure 1: NIEA performance against built heritage targets 2005-06 to 2009-10

Year	Target	Outcome
2005-06	<ul style="list-style-type: none"> Survey at least 15 wards as part of second survey 	Not Achieved
2006-07	<ul style="list-style-type: none"> Survey at least 15 wards Save at least 5 listed buildings or monuments at risk Publish a revised listed buildings grant scheme 	Not Achieved Achieved Not Achieved
2007-08	<ul style="list-style-type: none"> Survey at least 15 wards/250 buildings Save at least 10 buildings or monuments at risk 	Achieved Achieved
2008-09	<ul style="list-style-type: none"> Survey 15 wards and research and record a minimum of 20 wards/ward equivalents involving a minimum of 330 buildings Save at least 12 Buildings or monuments at risk Introduce a new grant policy and incur grant expenditure of £3.9 m 	Achieved Achieved Achieved
2009-10 ¹⁰	<ul style="list-style-type: none"> Progress survey by processing 415 buildings Save at least 15 buildings or monuments at Risk Incur grant expenditure of £4m (revised in-year to £3.5m) 	Achieved Achieved Achieved**

** actual spend £3.5m
Source: NIEA Annual Reports

- the extent to which measures to conserve historic buildings are being enforced by NIEA and Planning Service (**Part Four** of the report).

In order to inform our review, we sought the views of a range of key stakeholders, including listed building owners and heritage interest groups, and are grateful to those who took the time to respond.

¹⁰ In addition to the published targets, NIEA's Built Heritage Unit had an internal target of researching and recording 700 building records, which was achieved

Part Two:

An accurate and up-to-date record of built heritage assets is the first step to ensuring their conservation

Typical Public Record
(Available on request. Web databases does not currently display photos)

Address: 101 Marl St., Huddersfield, W.

101 Marl St. (external view)

Extent of Listing:
House and gate

Date of Construction:
1870 - 1875

Location:
Belted Town House

Current Building Use:
Residential (Private use)

Proposed Future Use:
Residential (Private use)



Conservation Area	No	Survey 1	Not Listed	101 Marl St.	101-102
Industrial Archaeology	No	101	101	101 Marl	101-102
Heritage	No	101	101	101 Marl	101-102
Thatched	No	101	101	101 Marl	101-102
Monument	No	101	101	101 Marl	101-102
Walled	No	101	101	101 Marl	101-102
Demolished	No	101	101	101 Marl	101-102

Owner Category: 101-102

Building Information

External Description and Setting
This is a three-story red brick town house (not within a terrace) of 1870-75 with a bay window, overhanging eaves, gabled roof and a small gate. The house is set back from the road by a small garden. The house is a good example of a Victorian town house. The house is a good example of a Victorian town house. The house is a good example of a Victorian town house.

The front elevation is a three-story red brick town house (not within a terrace) of 1870-75 with a bay window, overhanging eaves, gabled roof and a small gate. The house is set back from the road by a small garden. The house is a good example of a Victorian town house. The house is a good example of a Victorian town house. The house is a good example of a Victorian town house.

upper floors. Upper walls are exposed under the overhanging eaves.

Architect:
Thomas Wilson

Historical Information:
Built in 1870-75 at the same time as the number 101 Joseph's Church in the road. The architect for this building is not confirmed but it is likely that it was either Thomas Wilson who designed the church or his assistant Thomas Wilson who took on the work after his early death. Given the differences in style and material between the two buildings it may be that it is the work of the second man.

The building functioned as a parsonage house for the adjacent church until its closure in 1911. It is largely unchanged since construction apart from the removal of its original and some English.

Occupied during the 1970's and 80's by Protestant monks, the staff of population away from the main area in the late half of the 20th century led to a gradual decline in population, leaving 101 Joseph's and its closure in February 2001. The building was vacant at the time of survey in 2001.

Reference: Primary source
1. First listing, 101 Joseph's, 1870-1875. The work of a Victorian period (about 1870).

Criteria for Listing

Architectural Interest	Historical Interest
A. Style	1. Historical Association/Architecture
B. Proportion	2. Local Interest
C. Construction	3. Scenic
D. Plan Form	4. Social Importance
E. Setting	
F. Other value	

Remarks:
101 Marl Street is a unique building in Northern Ireland. Because of a high site it is exposed and tall, resulting in a grand facade which is much more European in style than many of its contemporaries. The house contains some of the best of the facade and the entrance and contemporary details are all part of a carefully planned facade which is given prominence by the position of the building on the street and its location. The building is a prominent feature of its setting and is a good example of its style.

Despite the loss of original windows sufficient remains of the building remains to regard it as special. The house is a good example of a Victorian town house. The house is a good example of a Victorian town house. The house is a good example of a Victorian town house.

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Historically the building is important for its location as part of a nineteenth century suburb of a church in a domestic community. Such a tradition is quite marked in areas such as the East End of London but not found in Northern Ireland as a specific local tradition.

Date of Survey: 11/01/2001

This part of the report examines:

- The timeliness of the second survey of listed buildings
- The cost-effectiveness of the second survey
- The efficiency of the second survey process
- Options for completing the second survey

Part Two:

An accurate and up-to-date record of built heritage assets is the first step to ensuring their conservation

2.1 The decision to list a building is based on a survey that assesses each building against specific criteria, including condition and style. Survey work falls into three broad categories, which can be used according to circumstances:

- **systematic area-based survey** – this is the most holistic approach and is the basis for both the first and second survey exercises in Northern Ireland;
- **thematic survey** - examining structures of a particular type (e.g. thatched structures); or
- **ad hoc survey** - usually in response to a listing request from a member of the public who considers that there is a specific, more urgent, need for listing a particular individual structure.

Appendix 2 illustrates the process employed in each of these listing routes. All of these methods have been used in Northern Ireland at different times, depending on circumstances, with most listed buildings being identified through area-based survey.

Work to compile the first listed buildings record began in 1969 and took 25 years to complete

2.2 The area-based survey on which the first listing was based began in 1969 and was expected to take three years. In the event, it took 25 years and its completion in 1994 resulted in the listing of around 8,500 buildings. In 1995,

Environment and Heritage Service (NIEA's predecessor) determined that a second area-based survey was needed, largely because deficiencies in the earlier survey records meant that there was insufficient information in relation to listed features. This caused difficulties for NIEA's architects and Planning Service in assessing listed building planning applications or taking enforcement action for unauthorised works. In addition, changes had taken place in the assessment criteria that could affect the decision whether or not to list individual buildings. **Figure 2** illustrates the benefits resulting from re-surveying such buildings.

A second area survey was started in 1997 and was due for completion in 2008, but it is significantly behind schedule

2.3 The second survey was started in 1997 and, although no target was set for its completion, it would have been completed in 2008 had the planned rate of surveying 48 of the 526 wards per year been achieved. However, this rate of progress was not achieved, as illustrated by **Figure 3** on page 14. The actual number of wards surveyed fell from 31 in 1998-99 to zero in 2001-02, when survey work was suspended to allow NIEA to clear a major processing backlog. Area-based surveys recommenced in 2004-05 but difficulties in letting a new phase of contracts in 2005-06, including a significant increase in the price of tenders received, led to a second suspension of the area-based element, and only ad hoc surveys continued, as deemed necessary.

Figure 2 Prehen House and Outbuildings

Prehen House in Derry/Londonderry dates from the 17th century and was listed as Grade B (see Appendix 1) in the mid-1970s, based on the limited survey process that was common at the time. In 2006, NIEA carried out an ad hoc survey (to second survey standards) at the request of a Building Preservation Trust that had been formed to secure its long-term future. Following this more detailed work, it was found to be one of the best surviving examples in Northern Ireland of an early Georgian country house, and an outbuilding was found to have very rare and early joinery work. As a result, its grade was increased to A, with the outbuilding separately listed as Grade B1 and the associated coach house and walled garden listed as B2.



The extra knowledge gained from the second survey, together with the upgraded evaluation and increased protection of the site, will help to ensure that the most appropriate decisions can be made with regard to the building's future.

Source: NIEA

Appendix 3 shows a chronology of the second survey contracts.

2.4 A NIEA policy review of survey methodology in May 2007 noted that, based on current predictions at that time, it could take a further 20 years to complete, giving a 30 year period compared with the original target of 11 years. The review had identified a number of reasons for the slow pace of progress at that time, including:

- the workload had been significantly underestimated and other work pressures meant that the Agency's administrative and architectural staff could not process either the planned or actual volume of records being submitted by the contractors, leading to a backlog;

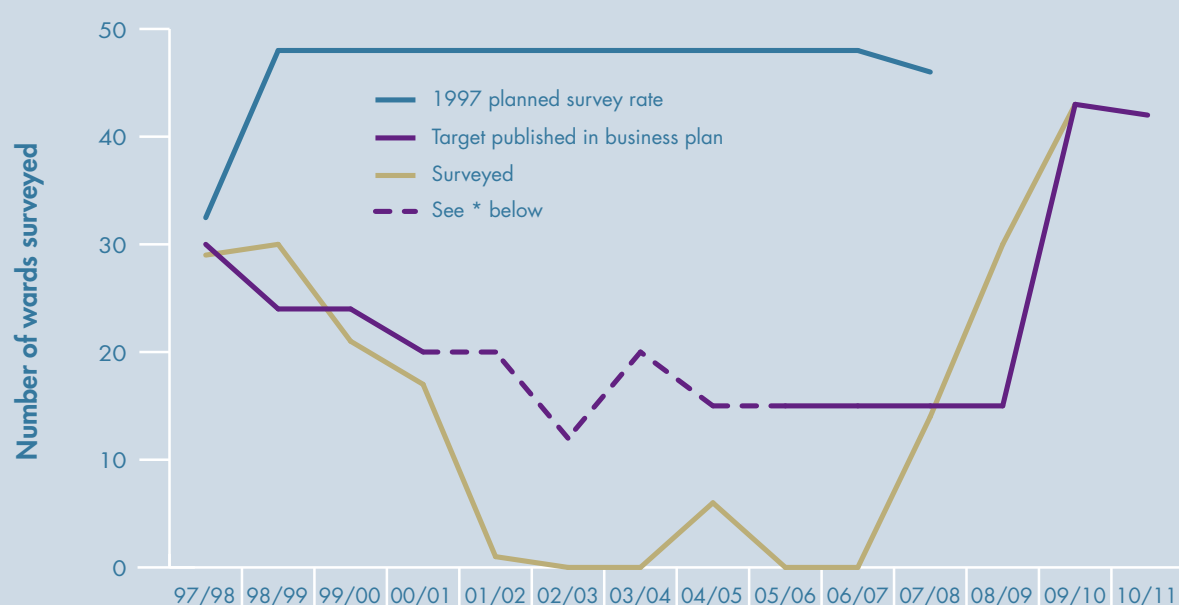
- a 50 per cent reduction in funding for the years 1998 and 1999 reduced the amount of surveys that could be undertaken (although this gave staff time to clear the backlog); and
- contracts for undertaking the area-based and ad hoc components of the survey were let on a three-year basis. However, the second phase of area-based contracts, let in 2000, was initially used largely for ad hoc surveys, because of the backlog of completed area surveys awaiting processing and a third contract, tendered in 2006, was not let due to rate increases and subsequent value for money concerns.

2.5 NIEA considered that conducting the remaining survey work in-house would

Part Two:

An accurate and up-to-date record of built heritage assets is the first step to ensuring their conservation

Figure 3: NIEA Performance against planned rate of progress from 1997-98 to 2007-08



*The survey began mid-way through 1997-98 and the full-year rate was therefore not applicable for that year. Between 2000 and 2005, the targets related to evaluating and processing records (as opposed to surveying buildings) and in 2009-10 changed again to processing a set number of buildings (see Figure 1). The target data in this graph is used to show direction of travel.

Source: NIEA

be the most cost-effective method, but that contracting it out would allow it to be progressed at speed and with the minimum of further delay. However, in our view, the costs on which NIEA based its view of the cost effectiveness of the in-house option were incomplete. In the event, two test contracts were let (one in 2007 and another in 2008) as part of a process to redesign the survey, with the aim of ensuring that future work would be better targeted and capable of delivering value for money. The first resulted in an average cost of £540 per building, while the average cost of the second was

£351, for an area and time frame twice as large.

2.6

Based on the results of these test contracts, NIEA designed a new tender specification and let a new three-year fixed-price contract, worth £907,000, in February 2010 at an average cost of approximately £350 per record, with survey work recommencing the following month. As **Appendix 6** shows, at March 2010 192 (36 per cent) of a total of 526 wards had been completed, 13 years into the survey and two years after it was due to be finished.

2.7 As a result of the delay in resuming survey work and the expected level of available resources, the planned completion date is now 2020. If achieved, this will mean that the second survey will have taken 23 years, compared with the 11 originally envisaged and only one year less than the first survey. Based on actual payments to date and the estimated cost of the remaining work, NIEA expects that the total overall cost will be £5.6 million. In order to meet the revised completion date, it will be necessary for the rest of the survey to progress at twice the rate achieved thus far. Given ongoing resource constraints, resulting in a planned suspension of the survey in 2011-12, we consider that there is a risk that this target may not be met.

There have been considerable variations in the costs of survey contracts and incomplete records hinder analysis of underlying reasons

2.8 The total cost of area-based second survey work up to March 2010 (including the two test contracts let in 2007 and 2008) is £2,036,227, an average of

£301 per building surveyed. As **Figure 4** below shows, there is a considerable cost variance between this area-based survey and other types of survey work, with ad hoc surveys costing an average of £753 per building, some 97 per cent greater than the average cost of the area-based work. NIEA told us that this is largely because the cost of travel and background research conducted for the area-based survey can cover several buildings in one locality, with the costs apportioned accordingly, whereas ad hoc survey costs are all attributable to one record.

2.9 Completion of the second survey is a key corporate objective for NIEA. It is therefore important that resources on such a significant project are managed in a way that ensures speedy and effective delivery, not least because NIEA considers that slow progress brings with it the risk of losing historic buildings before they are due for consideration. However, some basic cost management controls were not in place at the beginning of the survey, nor during the first phase of its implementation up to 2007, for example:

Figure 4: Average cost of recording buildings by survey method

Type of Survey	Total Cost (£)	Total no of Records*	Cost per record surveyed (£)
Area-based	2,036,227	6,773	301
Ad-Hoc	40,691	54	753
Thematic	17,215	35	492

*A record can be a single structure or group of related structures on a single site

Source: NIEA

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- although NIEA said a number of options for undertaking the survey were appraised, it was unable to locate any documentation relating to this appraisal; and
- no documentation is available to show whether an overall budget was set for the survey and, as a result, there is no basis for determining whether outturn costs are reasonable.

2.10 Work on the first phase of the second survey (1997-2006) was contracted-out to four separate firms, operating in different geographical areas, and payment was based on hourly rates, rather than a fixed price for completing a certain amount of work. Figures provided by NIEA indicate that the total payments to the survey contractors between 1997 and 2006 were £1.626 million, as **Figure 5** below shows. Precise information is not available because it is not possible to separate payments in respect of survey work from those relating to other work carried out by these firms over the same period.

2.11 NIEA told us that price differences between the contracts reflected variations in hourly rates, geographical differences (including travel costs) and variations in buildings of suitable quality within the four areas covered, as well as the effects of inflation over the nine-year period. However, in the absence of the basic cost management controls and management information outlined in paragraphs 2.9 and 2.10, NIEA cannot determine to what extent the individual contracts provided value for money, nor whether the performance of individual contractors was satisfactory. It is also impossible to ascertain to what extent the large variances in contract costs may be explained by differences in the numbers or types of buildings being surveyed in each case. NIEA said that criticism of contract tendering and management by Internal Audit in 2006 contributed to its decision to employ fixed-price contracts for the second phase of the survey from 2007 onwards.

Figure 5: Payments to contractors conducting the first phase of the Second Survey

Contractor	Amount paid (£)	Buildings surveyed	Cost per building surveyed (£)
A	653,721	1,725	379
B	445,008	1,469	302
C	111,043	805	137
D	415,897	523	795
Total	1,625,669	4,522	359

Source: NIEA

Over half of the buildings surveyed up to March 2010 were not suitable for listing

2.12 The need to ensure a high quality and comprehensive listed building record was the main reason for NIEA's decision to embark on the second survey, and there were acknowledged deficiencies in some of the early listing records (see paragraph 2.2). Up to March 2010, the second survey cost just over £2 million and results are outlined in Figure 6 below.

2.13 As **Figure 6** shows, survey work completed and processed did not result in a significant change to the previous list:

- only one in twelve buildings surveyed resulted in a new listing;
- the net increase in numbers listed is 94 (579 new listings less 485 de-listings); and

- around 60 per cent of buildings surveyed and processed, at a cost of around £1.1 million, have not been listed.

NIEA told us that this indicates that the first survey was reasonably comprehensive in the areas that have been re-surveyed to date. However the extra data now gained has resulted in much better records to help with future decision-making.

2.14 NIEA said that the 60 per cent rate of surveyed buildings not being listed was considered acceptable for a long period because of the wider benefit of this data for the protection and understanding of the historic environment, since these buildings are of architectural and historical interest (although not special enough to merit statutory listing). NIEA also said that the information was used to supplement that already held on the Monuments and Buildings Record

Figure 6: Results of second survey to March 2010

		Percentage of total surveyed
Number of buildings surveyed (a)	6,773	100
Number of buildings surveyed but unprocessed by NIEA (b)	604	9
Number of buildings surveyed and processed (a – b)	6,169	91
Total listed to date (Including 579 listed for the first time)	2,431	40* 9
Total rejected for listing (Including 485 previously listed)	3738	60* 7

* Calculated as a percentage of buildings surveyed and processed

Source: NIEA

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(see paragraph 1.3) and as a basis for establishing a local list (see paragraph 2.17), as in England. Since 2008, NIEA has attempted to reduce this rate by working more closely with contractors to agree the scope of work in advance and that this is expected to halve the numbers of such buildings in future. Nevertheless, this means that around 30 per cent of the future survey budget could be spent on surveying buildings that will not subsequently be listed, at a cost of over £1 million. We consider that this indicates a need to reduce this element of survey work still further, with a potential to speed up the completion rate and to free up resources for alternative uses.

High quality survey work is fundamental to ensuring ongoing protection of historic assets

2.15 NIEA said that decisions to de-list have sometimes given rise to concern among certain stakeholders, in the past, and similar concerns were expressed by many of the stakeholders whom we consulted (paragraph 1.7). While most respondents rated the listing process as good, there were several suggested changes, including:

- a need to halt de-listings and use Building Preservation Notices¹¹ more widely and effectively, to protect individual buildings at risk of damage or demolition;

- a need for increased resources to speed up the survey;
- a need for a lower grade of listed building, to protect buildings with local/social historical importance; and
- a need to change public attitudes to listing and de-listing.

2.16 NIEA said that its listing practices are consistent both with legislation and with practice elsewhere in the UK. It also said some element of de-listing is inevitable, for example, if a previous listing was based solely on a building's facade and the more holistic assessment undertaken as part of the second survey shows insufficient grounds to merit continued listing. De-listed buildings remain on the Historic Buildings Database¹², so that their details can continue to be accessed. NIEA pointed out that the use of Building Preservation Notices has increased since it acquired the relevant statutory powers in 2003, as **Figure 7** overleaf shows. The power to issue these Notices was due to transfer to local councils in 2011 following the Review of Public Administration. However, this has been postponed and no firm date has been agreed for the transfer.

2.17 In April 2010, the Department published revised listing proposals for consultation. The revisions include expanded and clarified criteria, to allow wider understanding of the factors involved

11 A temporary notice that is served on a building which, while not currently listed, is considered to be of special architectural or historic interest and is deemed to be under threat. It protects the building, as if it were a listed building, for a period of six months. This gives the Department sufficient time to fully assess whether the building should be formally listed.

12 A database, of all structures recorded by NIEA in regard to listing, as well as monuments and de-listed buildings and buildings surveyed but not listed. This forms part of the overall Buildings and Monuments Record, which includes other databases and older, paper records.

Figure 7: Building Preservation Notices issued since 2003¹³

	2003	2004	2005	2006	2007	2008	2009
Building Preservation Notices issued	0	1	1	1	3	9	15

Source: NIEA

in listing decisions. They also include provision to compile a new database of buildings that do not meet the listing criteria but that are of local architectural and historical interest. Following the eventual devolution of certain planning functions to local government, such buildings would form the basis of a 'local list'.

- 2.18 In addition to this formal consultation, NIEA said it has also increased the involvement of local stakeholders in the listing process. This has been principally by concentrating the survey on full council areas, leading to better engagement with stakeholders, including Councils, in advance of surveys and during the consultation process. Essays¹⁴ have been commissioned for each Council area covered as part of the second survey, with the aim of increasing awareness of local historic buildings. In 2008, NIEA established a formal stakeholder forum, which meets annually and includes representatives of Councils, the NI Tourist Board, the Historic Buildings Council¹⁵, Historic Monuments Council¹⁶, other government Departments, the business community and the Construction Employers' Federation. The Forum's functions include assisting the Department in driving policy direction.

In light of ongoing financial constraints it is important that options for completing the survey are fully appraised

- 2.19 A 2006 review by the Department's Internal Audit expressed concern regarding the length of time the survey work was taking and the uncertainty of future funding availability. The review stated that there was "ample scope for improvement" in the survey methodology in terms of economy, efficiency and effectiveness. A key recommendation was that there should be more targeting of work, with buildings selected for survey on the basis of a formal risk assessment.
- 2.20 NIEA did not fully accept this targeting proposal and determined that continuing with the area-based survey was still the most efficient route for completing the work. This is because it considered that the area-based survey gives a better record for a lower price and because there are difficulties in identifying suitable buildings at risk. However, NIEA said that it initiated an improved methodology and efficiencies following its 2007 policy appraisal of survey work. These included improved targeting of survey work within areas, reduced report length, improved administration and a new approach to tendering.

¹³ 22 new listings have resulted from the issuing of these Notices.

¹⁴ Information on the local built environment gathered as part of the second survey exercise.

¹⁵ The Historic Buildings Council advises the Department on matters relating to the preservation of buildings of special architectural or historic interest.

¹⁶ The Historic Monuments Council provides advice to the Department on the scheduling of monuments, conservation of monuments in state care, maritime archaeology, industrial and defence heritage.

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- 2.21 A further review by Internal Audit in 2009 again recommended a more targeted approach to listing (by concentrating on buildings at risk, or higher grade buildings), largely because they considered that funding uncertainties risked causing significant additional delay in completing the survey. NIEA again rejected the recommendation because it considered that this would entail an inevitable lengthening of the time needed to complete the entire survey, increased cost and incomplete coverage. However, this conclusion was not based on a formal analysis of the impact of implementing Internal Audit's recommendations.
- 2.22 In February 2010, NIEA signed a new three-year contract for taking forward the area-based survey. This is a fixed-price contract that requires survey of around 2,500 buildings, at a cost of £907,000, representing a unit cost of around £350 per record. This figure is based on an estimate of the maximum volume that the in-house team can process over a three-year period and NIEA said that there is currently no processing backlog. It will clearly be important for NIEA to ensure that the required outputs are produced in accordance with the terms of the contract.
- 2.23 The new contract will be the main vehicle for delivering new records up to 2013, which will be the first opportunity to review the quality and cost of work undertaken and to determine a methodology for continuing the survey. It is clear that the average cost per record under the area-based methodology to date has been lower than for other approaches (see **Figure 4** at para 2.8).
- 2.24 However, this approach has, in the past, resulted in over half of the buildings surveyed not being listed. Even with the expected reduction in this proportion under the current contract (see paragraph 2.14), it may become increasingly difficult for NIEA to defend this survey approach in circumstances where budgets are already constrained and likely to come under further pressure in future. We therefore consider it essential that decisions on the way forward after 2013 are based on a thorough appraisal of a range of relevant, fully costed options, to ensure that future survey work delivers value for money. In our view, NIEA must be able to demonstrate that the chosen outcome will result in available resources being targeted on those structures that are of greatest historic value but not yet listed, or where existing information relating to the reasons for their listed status is deficient, placing them at potential risk.

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NIEA works with owners of listed buildings to encourage conservation activities



BEFORE



AFTER

This part of the report examines:

- The amount of historic buildings grant paid
- Performance measurement of the grant scheme
- Changes to grant eligibility
- The extent to which the grant scheme targets NIEA priorities
- The extent to which the grant scheme secures sustainable improvements
- The extent to which Public Bodies manage their historic buildings sustainably

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Owners of listed buildings are not required to maintain them in a good condition and NIEA offers grant aid to encourage repairs

- 3.1 There is no statutory requirement for owners of listed buildings to maintain their properties in a good condition. While owners can be prosecuted for deliberately damaging or destroying listed buildings, they cannot be prosecuted for allowing them to fall into disrepair. In order to encourage building conservation activities, NIEA offers repair grant aid to owners of listed buildings.
- 3.2 The rate of grant payable is intended to reflect the higher costs of approved repairs to listed buildings relative to more modern buildings, in order to conserve their special architectural features. Over

the last five years, NIEA paid a total of £12.6m in grant aid and **Figure 8** shows the breakdown of this figure across the different grades of listed building (the categories are explained in **Appendix 1**). However, information on the percentage of buildings in each category that have been grant-aided over this period is not readily available from NIEA's information system and required a one-off manual exercise. As **Figure 8** shows, £6.7 million (54 per cent) of total funding has been spent on 156 buildings (33 per cent of the total listed buildings awarded grant) in the most important grades, A and B+. The average amount of grant in these grades was £43,205, almost two and a half times the average for the other three grades, £18,102.

Figure 8: Total numbers and value of grant paid in each of the last 5 financial years in each listed building grade

Grade		2005/06	2006/07	2007/08	2008/09	2009/10	Total
A	Value (£)	613,000	529,000	804,000	1,750,000	1,009,000	4,705,000
	Number	8	8	16	10	22	64
B+	Value (£)	304,000	238,000	358,000	575,000	560,000	2,035,000
	Number	14	18	14	22	24	92
B	Value (£)	0	0	0	0	12,000	12,000
	Number	0	0	0	0	3	3
B1	Value (£)	693,000	751,000	964,000	1,352,000	1,466,000	5,226,000
	Number	51	66	47	42	72	278
B2	Value (£)	0	16,000	136,000	261,000	196,000	609,000
	Number	0	3	2	15	18	38
Total	Value (£)	1,610,000	1,534,000	2,262,000	3,938,000	3,243,000	12,570,000
	Number	74	95	79	89	139	476

Source: NIEA

No specific performance measures were established for the grant scheme

3.3 It is accepted best practice in designing grant schemes to put in place suitable performance measures, as drivers to ensure that the scheme achieves its objectives and delivers value for money. It is also accepted best practice to put these performance measures in place at the outset, because this enables ongoing evaluation of the scheme to take place against set criteria, so that any lessons learned can be incorporated into subsequent practices. In the case of Historic Buildings grant, relevant performance measures might be expected to include:

- **input measures** – the amount of budget available to grant recipients;
- **output measures** – to gauge the extent to which the operational targets of the scheme have been met, e.g. the level of overall improvement to the listed buildings stock; and
- **impact measures** – whether the grant scheme has achieved its wider objectives, e.g. those arising from the 2006 NI Sustainable Development Strategy.

However, since the introduction of the Historic Buildings grant scheme in 1974, NIEA said its key focus has been on individual buildings. No specific objectives or performance measures were put in place for the scheme and the only performance indicator in place has been

the degree to which the planned level of spend was incurred in bringing individual buildings up to a required standard. NIEA calculated that each £1 of grant-aid attracts a further £4.70 in investment by owners and said that grant-aid can act as a catalyst for the support of other funders. However, the absence of a performance measurement framework means that it has not been possible to measure objectively the overall success of the grant scheme in improving the listed building stock.

3.4 NIEA said that its measure of success was the satisfactory completion of works required to the original fabric of the building, in line with the application, and that it targeted grant-aid on items of repair or maintenance and items of historic importance. Because the grading of listed buildings is influenced by the amount of original fabric they contain, NIEA said this indirectly means that a building with a higher grade would receive a larger amount of grant than a lower graded building. This is illustrated by **Figure 8** above at paragraph 3.2.

NIEA revised the Historic Buildings grant scheme in 2008 in order to widen access and encourage uptake

3.5 In May 2008, the grant budget was increased by 60 per cent, from £2.5 million to £4 million, eligibility was widened to allow additional buildings to qualify for aid and the basic rate of grant payable was increased from 20 to 35 per cent¹⁷. NIEA considered that a higher rate of grant was needed to provide an

¹⁷ This is the maximum basic rate of grant. However, grant aid of up to 90 per cent is available to owners in receipt of certain Social Security Benefits.

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incentive to owners to undertake repairs because, following a study of repair costs for listed structures relative to those for more modern buildings, it judged that the cost differential was 35 per cent. The revision was also considered necessary because the existing eligibility criteria excluded around half of listed building owners from applying¹⁸.

3.6 Under the revised scheme, some buildings still do not qualify for grant-aid, including those owned by government Departments, large commercial organisations and certain churches¹⁹. Nevertheless, the revised grant criteria widened eligibility to around 90 per cent of listed buildings, in line with NIEA's objective of ensuring equity of grant funding for all listed buildings, irrespective of grade. NIEA told us that following the introduction of the revised scheme, there was an increase in applications in 2008-09 of 160 per cent (191, compared with 74 in the previous year), with much of the increase relating to newly eligible buildings in the lowest grade. However, owing to the time lag between applications and claims for work actually completed, this has not yet been fully reflected in work completed and grants paid and it is not yet possible to assess the full impact of the revised grants scheme in stimulating improvement in the listed building stock.

3.7 In December 2009, owing to budgetary reductions within NIEA, a £250,000 cap per case was introduced for repair grants. As a result, by May 2010, the amount of

potential grant aid had been capped for schemes on several buildings, including one listed as Category A, freeing up over £900,000 to grant-aid other buildings, including some in lower categories. In December 2010, owing to the grant scheme's popularity, NIEA lowered the cap to £50,000 and introduced a temporary suspension on accepting new applications. In addition to capping, the grants budget for 2009-10 was reduced by £500,000 to £3.5 million and budgets for 2010-11 and 2011-12 have been set at £3.12 million.

3.8 In addition to these repair grants and in line with the objectives of the 2006 Sustainable Development Strategy²⁰, in 2003, NIEA acquired statutory powers to allocate funding to assist Building Preservation Trusts and other charities to rescue listed 'buildings at risk', i.e. in serious disrepair and in danger of becoming lost through deterioration and collapse. These buildings are recorded on the Built Heritage at Risk²¹ register, which is compiled on NIEA's behalf by the Ulster Architectural Heritage Society²² and currently contains 505 structures, of which 460 are listed buildings. Grants to the Building Preservation Trusts are administered on NIEA's behalf by the Architectural Heritage Fund²³ and are to be on a 'revolving fund' basis, i.e. any profits from the sale or re-use of rescued buildings are to be returned to the Fund for re-investment in the rescue of another at-risk building. Initially, £500,000 per year was ring-fenced for this purpose, but

18 Grade B2 listed buildings were not eligible for grant-aid under the previous scheme.

19 Church buildings used for worship.

20 Strategic Objective 4 – 'To conserve, protect, enhance and sustainably reuse our historic environment'

21 This is an online database that provides information on each structure, by County. However, it does not facilitate generation of management reports, such as numbers of listed buildings by category.

22 The Society promotes the appreciation and enjoyment of architecture from the prehistoric to the present and encourages its preservation and conservation.

23 A registered charity founded in 1976 to promote the conservation of historic buildings in the UK.

Figure 9: Gracehill Old School

Gracehill village is the only complete Moravian settlement in Ireland, dating from the 18th century, and the Old School is a Grade B2 listed building. It was vacated when a new school was opened in 2000 and subsequently placed on the Built Heritage Buildings at Risk Register.

A Building Preservation Trust was established to take forward the renovation project and a grant of £120,000 from Environment and Heritage Service (NIEA's predecessor) assisted the Trust to purchase the property from the North Eastern Education and Library Board in 2007. The building has now been rescued and regenerated and is in use for a variety of purposes, including a restaurant and visitors' centre.



NIEA considers its investment in this building to have been worthwhile because it:

- removed a valuable building from the Buildings at Risk register and thus contributed to achieving the Sustainable Development Strategy target to remove 200 buildings from the register by 2016;
- provided encouragement to others interested in establishing Building Preservation Trusts; and
- brought a vacant property back into use for the local community

Source: NIEA

this was reduced to £250,000 in 2009-10 and is to be stopped altogether in 2011-12. To date, NIEA has awarded £395,000 to assist with the purchase of eight buildings within four schemes, one of which is illustrated in **Figure 9** above.

not been necessary to use a mechanism for targeting grant aid to date, because the level of uptake meant that there was no risk of the grants budget being over-committed or priority cases losing out. In effect, all eligible applications were accepted.

The repairs grant scheme has not been designed to target grant aid at the most vulnerable or valuable buildings

3.9 NIEA's only business plan target in relation to grants is to spend the annual budget, and there is currently no system in place to measure the overall effect of grant aid on improving the listed building stock (see paragraph 3.3). NIEA said that it had

3.10 However, recent funding constraints have resulted in some restrictions in the way in which grants are allocated. In addition to the capping mechanism introduced in 2009 (see paragraph 3.7), NIEA has determined a methodology for prioritising grant applications, to be used in the event that its budget is oversubscribed in the future. Funding would be directed to applications in respect of:

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- listed buildings at risk;
- thatched buildings; and
- owners who are in receipt of qualifying social security benefits.

3.11 The 2006 NI Sustainable Development Strategy target to remove 200 buildings over the period up to 2016 from the Built Heritage at Risk register is deemed to be reflected in this proposed targeting mechanism. However, the only mechanisms specifically designed to assist in meeting the target are the provision to grant-aid Building Preservation Trusts and charities (see paragraph 3.8) and provision of appraisals for the re-use of listed buildings. NIEA said that it also works in liaison with the Ulster Architectural Heritage Society to address and encourage the rescue of such buildings, for example, by providing advice and information on funding sources to owners and potential owners, and that the revised grant arrangements (paragraph 3.8) have added to the support available. However, NIEA does not have a prioritised list of buildings that it wishes to see removed from the Register and there is currently no mechanism in place to direct grant aid to the most urgent or important cases.

3.12 Between 2006-07 and 2009-10, 83 listed buildings have been removed from the register, including 18 that received a total of £812,000 in grant-aid. If this rate of removal is maintained, the target to remove 200 from the register by 2016 should be reached. Nevertheless, in our

view, there is further scope for NIEA to target the owners of at-risk listed properties in order to encourage them to avail of grant aid as a means of removing them from the register. As a basis for such targeting, we consider that NIEA should prioritise those on the Register according to their listing grade and current condition. NIEA said that it considers that there is a danger in targeting buildings at risk for grant aid, as it may encourage, rather than address, dereliction or neglect. However, we note that this view is contrary to NIEA's own proposed targeting mechanism (see paragraph 3.10), which is designed to ensure that funding can be directed to the most valuable and vulnerable historic assets.

3.13 Given the current budgetary constraints, it is possible that the level of grant applications may exceed the available budget more often in the future and further measures to restrict or redirect grant may be needed, including using the targeting mechanism outlined at paragraph 3.10. It is important, therefore, that NIEA has the necessary framework in place, in advance, to enable it to respond quickly and effectively in the event of demand significantly exceeding supply. In our view, drawing up a prioritised list of buildings in each of the three target categories would be an important first step to ensure that applications can be prioritised, and defensible funding decisions made, in response to changing budgetary conditions.

There is currently no system in place to ensure that grant-aid secures the long-term future of listed buildings

- 3.14 Despite their importance, NIEA does not require applicants to submit a maintenance plan as a condition of grant. However, since it considers that preventative maintenance is more straightforward and likely to deliver better long-term value for money, NIEA is considering the feasibility of introducing a scheme to encourage owners to maintain their buildings on an ongoing basis.
- 3.15 In 2004, NIEA instigated a three-year pilot project (subsequently extended to five years) with the National Trust on a group of its listed buildings, to evaluate the potential for systematic planned maintenance to yield better standards and value for money than the current grant scheme. Based on its preliminary evaluation of outputs, NIEA said it may introduce a preventative maintenance scheme and we note that management agreements, incorporating maintenance requirements, are already used by NIEA as a means of encouraging owners of

historic monuments to look after their property.

- 3.16 In our view, these maintenance programmes have the potential to provide effectively for the long-term future of historic buildings, by delivering the ongoing commitment of owners, as well as NIEA. Clearly, before embarking on a scheme of this nature, careful evaluation of the pilot will be necessary to measure the extent of improvements to building condition and value for money actually delivered.

Some public bodies have not complied with best practice in the management of historic buildings

- 3.17 The public sector in Northern Ireland owns 858 listed buildings, as illustrated in **Figure 10** below. With the exception of those owned by Councils, public buildings are not eligible for grant aid. In 2003, the English Department for Culture, Media and Sport (DCMS) published a ten-point protocol²⁴ (see **Appendix 4**) applicable across the UK

Figure 10: Listed buildings owned by public bodies

Owner	No. of buildings	Grade A	Grade B+	Grade B1	Grade B2	Grade B
Central Government	438	9	41	114	207	67
Local Government	279	22	27	129	51	50
Education Boards	88	5	6	41	17	19
Health Boards	53	0	5	32	10	6
Total	858	36	79	316	285	142

Source: NIEA

24 <http://www.helm.org.uk/upload/pdf/DCMS-protocol.pdf>

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as a whole, which set out Government's commitment to setting a good example in the care of its historic estate. The plan included the requirement for the devolved administrations to provide returns to DCMS's Historic Estates Unit, outlining progress made. In addition, the 2006 NI Sustainable Development Strategy formally committed the NI public sector to setting a good example in the care of the historic estate, ensuring a consistent and co-ordinated approach to protecting historic assets in public ownership. The Office of the First Minister and Deputy First Minister (OFMDFM) is responsible for co-ordinating the returns and progress on the Strategy.

3.18 The protocol's requirements included:

- condition surveys to be carried out every four years;
- planned programmes of repairs and maintenance;
- a protection strategy for each building at risk (repair, re-use or disposal); and
- biennial conservation reports, to be forwarded to DCMS, to allow it to draw up and publish reports.

It was intended that the returns would be channelled through NIEA, to facilitate monitoring of the condition of historic buildings in public ownership but, in most cases, this has not happened since 2005, when DCMS stopped issuing requests for returns. In the interim, NIEA said it

has engaged proactively with public bodies, through relevant presentations and seminars and addressing particular issues as they have arisen.

3.19 In April 2009, the Minister for the Environment wrote to other Departments to remind them of their reporting responsibilities, but returns are still outstanding. The Department for the Environment itself owns eight listed buildings, but has yet to comply with the requirements of the protocol. Clearly, the absence of formal returns from Departments and other public bodies means that Northern Ireland is not fulfilling its responsibilities with regard to UK monitoring, and this also hampers efforts to monitor progress against the requirements of the NI Sustainable Development Strategy.

3.20 Public bodies' maintenance responsibilities continue for buildings that they no longer use, but still own. In 1999, the Department for Culture, Media and Sport published separate guidance²⁵, applicable throughout the UK, on the disposal of government-owned listed buildings and this states that, where buildings are unavoidably vacant pending disposal, it is essential that they are regularly inspected and strictly maintained to keep them well ventilated and weatherproof. In the absence of the information that should be provided by public bodies to comply with the 2003 ten-point protocol and the NI Sustainable Development Strategy, it is not possible for NIEA to monitor effectively the extent

25 "The Disposal of Historic Buildings: Guidance note for government departments and non-departmental public bodies" Department for Culture, Media and Sport, 1999.

to which this guidance is being applied in Northern Ireland. NIEA said that monitoring has now been devolved by DCMS and its current operational plan commits it to preparing and consulting on a policy paper on the care of the NI historic government estate during the current financial year.

together to put formal processes in place to ensure that public bodies understand, and comply with, their management and reporting responsibilities in this area.

3.21 Despite the absence of overall information on the level of compliance with requirements for the maintenance and disposal of listed buildings in public ownership, individual case examples suggest an inconsistency in the extent to which proper stewardship is being applied. The two case examples overleaf (**Figure 11** and **Figure 12**) show how differing approaches to conservation have the potential to influence outcomes after government-owned listed buildings are vacated:

3.22 In addition to the fact that Departments are not currently reporting the status of listed buildings adequately, the case studies above illustrate that public bodies are employing differing approaches to disposal. Consequently, there is a clear need for the UK-wide guidance on management and disposal of listed buildings in public ownership to be applied more rigorously and consistently in Northern Ireland. To that end, NIEA's operational plan commitment to prepare and consult on a policy paper for care for the historic government estate (see paragraph 3.20) is a positive step forward. We consider that it will be important for OFMDFM and NIEA to work

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Figure 11: Crumlin Road Courthouse – formerly owned by NI Courts Service



In 1998, Crumlin Road Courthouse, a Grade B+ listed building, was vacated by the Court Service because it considered the building to be in “a very poor condition and unsafe”²⁶, and it was transferred to the private sector as part of a Private Finance Initiative deal to construct the new Laganside Courts. Although the private contractor assumed ownership of the Courthouse, NIEA’s predecessor, Environment and Heritage Service (EHS) noted, in October 1998, that Court Service could not absolve itself of responsibility and that historic buildings are most vulnerable when empty and vacant.

Department of the Environment correspondence in September 2001 expressed concern that, regardless of whether the building is in public or private ownership, it expects all owners to maintain their buildings to the required standard and, unless properly maintained, the Courthouse could deteriorate quickly. The building has been included in the Built Heritage at Risk Register since 1999.

The building changed ownership in 2002 and after a site visit in November of that year, EHS reported that it had been left in poor condition by the Court Service, despite being aware of its obligations to ensure that it remained secure and weathertight in the period prior to its transfer to private ownership. The building had continued to deteriorate following its sale.

Planning permission was granted in 2003 to convert it to office accommodation and in 2007 to convert it to a hotel, but the building has remained undeveloped and has been subject to periodic vandalism. In 2009, two arson attacks caused major damage, and a significant amount of work now needs to be done to secure the site and ensure no further damage is caused. Having secured two planning permissions, the owners said that they continually explore commercially viable ways to redevelop the building, but prospects are not positive at the current time. They continue to work with NIEA and other relevant statutory bodies to determine the best outcome for the building.

Source: NIEA

Figure 12: Armagh Gaol – formerly owned by the Northern Ireland Office



Armagh Gaol, a Grade B+ listed building, ceased to function as a prison in 1984 and was bought by a private developer in 1988. Although planning permission was given in 1988 to redevelop the site for shopping and craft units, no substantial work was done and, in 1991, Armagh District Council raised concerns with EHS over the 'continued deterioration of the condition of the Gaol'. Repair work was subsequently carried out by the owner.

Planning Permission was granted in 1995 to convert the Gaol into a hotel and shopping complex but the project was not taken forward by the developer. In 1997, the site was acquired by Armagh District Council for £750,000 and, having received regular maintenance, including grant-aid of £9,330 paid by NIEA to the Council in 2007, remains in good condition. The Council is working with NIEA to consider its draft proposals to re-use the site while preserving the integrity of the building.

Source: NIEA

Part Four:

Effective regulation is necessary to protect historic assets from damage or destruction



This part of the report examines:

- The effectiveness of joint working arrangements between NIEA and Planning Service
- The effectiveness of information systems in supporting effective enforcement
- The extent to which stakeholders view enforcement action as effective

Part Four:

Effective regulation is necessary to protect historic assets from damage or destruction

Planning Service and NIEA both play a key role in enforcing all regulations in respect of listed buildings and protecting them from damage or destruction

- 4.1 Planning Service is responsible for issuing a formal permission (known as a Consent) in relation to any alteration or demolition to listed buildings and owners must obtain this before beginning work. Undertaking unauthorised demolition or alteration to listed buildings is a criminal offence and is subject to enforcement action by Planning Service, including prosecution, resulting in fines or imprisonment. Most breaches of the law in relation to listed buildings are notified by members of the public or are identified by NIEA in the course of its survey work or ad hoc identification by its area architects.
- 4.2 Due to deficiencies in its information systems, Planning Service was unable to provide a detailed breakdown of the enforcement action it took in respect of listed buildings prior to March 2009, but did confirm that, up to March 2010, 146 cases involving alleged unauthorised works to listed buildings had been investigated. Based on a manual check of Departmental records, 13 cases alleging unauthorised demolition of listed buildings were identified. Of these, two cases are ongoing and 11 have been concluded, five of which proceeded to formal summons and subsequent court action (see **Appendix 5**).

- 4.3 NIEA is responsible for aspects of enforcement activities in respect of listed buildings whose owners have allowed them to fall into serious disrepair. In such cases, it can issue Urgent Works Notices²⁷ or, in more serious cases, Repairs Notices²⁸ (see paragraph 4.16). In 2003, NIEA acquired additional statutory powers to issue Building Preservation Notices (commonly known as 'spot listing'). These are used to provide protection for unlisted buildings that are under serious threat of demolition or alteration. Within six months of issuing the notice, NIEA must make a decision on whether or not to list. To date, NIEA has issued one Repairs Notice, two Urgent Works Notices and 30 Building Preservation Notices, resulting in 22 new listings so far.

Enforcement activity in NIEA and Planning Service has been under-resourced and there was a delay in introducing formal procedures to ensure joined-up working

- 4.4 In its report on the Performance of the Planning Service²⁹ in February 2010, the Public Accounts Committee noted that enforcement resources had been diverted, in the past, to deal with an upsurge in planning applications and recommended that this aspect of business "must be adequately resourced and managed", with a formal enforcement strategy and monitoring against specific, measurable targets. An enforcement strategy is now in

27 Urgent Works Notices require owners of listed buildings to undertake emergency repairs, for example to keep the building wind and weatherproof and safe from collapse.

28 If a listed building is not being properly preserved, Planning Service may serve the owner with a repairs notice, specifying the work needed for the proper preservation of the building. If the work is not carried out, a compulsory purchase of the building may be made.

29 Report: NIA 36/09/10R2

place, with performance targets included in the Planning Service's business plan for 2010-11. However, none of these targets relate specifically to listed buildings. Planning Service told us that unauthorised works to, or demolition of, a listed building constitutes a Priority 1 case (its highest priority).

4.5 Planning Service was unable to confirm how much it spends annually on built heritage enforcement work because its enforcement teams handle all types of enforcement cases. NIEA does not have dedicated enforcement staff within its Historic Buildings Unit and enforcement responsibility is split between its four area Conservation Architects, at an annual estimated cost of around £20,000. In effect, enforcement activity in both Agencies has to compete for resources with other operational areas.

4.6 Given their respective roles, it is obviously important for NIEA and Planning Service to work closely together to safeguard listed buildings, with clear lines of responsibility, effective channels of communication and a commonality of approach. There is a joint Enforcement Working Group, comprising representatives of both Agencies, which is an important element of joint working. The group provides a forum for discussion of key enforcement issues and for sharing information and best practice. On foot of a 2008 recommendation by Internal Audit, draft enforcement procedures were drawn up by NIEA in July 2009 and agreed by Planning Service in June 2010. We share Internal Audit's

view that properly used procedures and guidance help to ensure that enforcement is pursued in an appropriate, consistent and timely manner and recommend that implementation and compliance is regularly monitored and reported.

4.7 In October 2007, a report by the Criminal Justice Inspectorate on Enforcement in the Department of the Environment³⁰ recommended that "there is considerable scope for improved collaboration between Environment and Heritage Service (now NIEA) and Planning Service" and that "the two agencies [should] discuss how to achieve better enforcement of listed buildings regulations ...". In July 2008 an Environmental Crime Unit was established within NIEA. However, this Unit has not assumed responsibility for managing built heritage cases, which are still taken forward by Planning Service.

Information systems needed to manage enforcement activities are deficient and do not support timely or effective action

4.8 In order to undertake enforcement activity in relation to listed buildings effectively, we consider it important to have a range of readily available, basic, management information, such as:

- the nature and extent of the suspected or actual breach of listed building regulations and the date on which it was notified (to NIEA or Planning Service);

30 The report assessed the contribution that the Department of the Environment and its Executive Agencies make to the criminal justice system, including how it carries out its regulatory responsibilities in protecting the environment and improving road safety.

Part Four:

Effective regulation is necessary to protect historic assets from damage or destruction

- details of investigation and enforcement measures undertaken and the timescales within which this has been done, together with clear explanations as to why a particular course of action has been chosen in each case;
- the outcomes of enforcement action; and
- enforcement costs.

Proper management information is an essential basis for managing the enforcement function overall, including the identification of trends in the numbers and types of cases and identification of aspects of the enforcement process that require improvement.

4.9 The CJI report recommended improvements to management information, including the establishment of a single incident and enforcement database for use by all relevant parts of the Department. This recommendation was accepted in principle, but the database is not yet in place. Our 2009 report on the Performance of the Planning System explained that there were significant deficiencies in the information systems required to manage enforcement activity successfully. A new management information system within Planning Service, (e-PLC³¹) that was to have been functional by 2006 and which was to include a facility for management of enforcement activity, is not yet fully operational.

4.10 As a result of its information system's deficiencies, Planning Service was unable to extract complete information on the numbers and outcomes of enforcement cases related to listed buildings prior to April 2009. However, **Appendix 5** lists details from a manual exercise identifying the five demolition-related cases taken to court in the five years up to March 2010, all of which resulted in a fine. At January 2011, Planning Service was investigating 63 cases of unauthorised works to listed buildings.

4.11 Planning Service told us that, while it has no specific guidance in place for staff in relation to dealing with built heritage enforcement cases, the general procedures in its enforcement manual are applicable to these cases and it is guided by NIEA's views in reaching a decision. However, deficiencies in the completeness and timeliness of information available from NIEA's Maintenance Enforcement and Repair database mean that it does not act as a useful management tool in liaising with Planning Service and does not facilitate effective management, monitoring and review of individual cases. This is because, prior to September 2009, not all enforcement cases were entered onto the database and information in these circumstances can only be obtained through examination of files relating to individual buildings. NIEA told us that it issued revised enforcement guidance to staff in 2009 and that the functionality of its database is being upgraded to reflect this revised approach.

31 The electronic Planning Information for Citizens – a computer system intended to allow for the delivery of planning processes electronically.

- 4.12 NIEA said it is applying the new guidance in an ongoing exercise to fully record and assess its backlog of enforcement cases that are still 'live', in order to determine whether they can be closed or forwarded to Planning Service for further consideration. Our examination showed that some of these cases had lain dormant for 18 years or more, as outlined in **Figure 13** below. However, NIEA was unable to provide a breakdown of the reasons for enforcement action in these outstanding cases from its database and this means that they can only be reconciled to the cases taken to court by Planning Service via a manual review of case files.

Figure 13: Aged profile of outstanding Built Heritage enforcement cases

Time Period	No. of Cases
1992-1995	8
1996-2000	13
2001-2005	23
2006-2009	8
No date recorded	30

Source: NIEA

- 4.13 The absence of reliable and timely management information seriously undermines the ability of both NIEA and Planning Service to instigate prompt enforcement action. NIEA's revised approach and evaluation of these backlogged cases is therefore welcome as an essential first step in putting built heritage enforcement activity onto a firmer footing. Planning Service said that, in
- light of an Internal Audit review, it had prepared a backlog strategy for dealing with enforcement cases more than three years old, and that its enforcement teams review this information on a regular basis.
- Stakeholders have criticised the extent of enforcement action taken in respect of historic buildings**
- 4.14 Most of the stakeholders whom we consulted (see paragraph 2.15) rated enforcement activity in respect of listed buildings as poor or very poor and considered this aspect of built heritage protection as the one that would benefit most from reform. Comments included:
- a perceived reluctance on the part of Planning Service to take enforcement action, resulting in the absence of a deterrent effect;
 - a need for swift action when an offence is reported or detected;
 - insufficient Urgent Works Notices or Repairs Notices being issued to protect buildings at risk; and
 - a need to resolve problems around the division of enforcement-related activity between NIEA and Planning Service – possibly placing all functions in one organisation.
- 4.15 These views reflected those expressed by consultees on our Planning Service report, where enforcement was the area most consistently identified as being in need of

Part Four:

Effective regulation is necessary to protect historic assets from damage or destruction

improvement. Several stakeholders raised the issue of what they considered to be inadequate penalties handed down by courts on successful conviction for a listed building-related offence, or fines being reduced on appeal.

- 4.16 Penalties on conviction are a matter for courts to determine. However, the stakeholder comments relating to the extent of enforcement action, including Repairs and Urgent Works Notices, may indicate a need for Planning Service and NIEA to improve the consistency and rigour with which enforcement action is undertaken. In our view, any delay in taking effective enforcement action risks undermining its deterrent effect. It is therefore important to have in place clear enforcement policies and procedures that are widely publicised and applied consistently and transparently. The importance of timely action to prevent or halt serious damage or destruction is illustrated by the Sion Mills case study at **Figure 14** below.

- 4.17 This case illustrates some of NIEA's difficulties in enforcing built heritage protection measures, in terms of judging whether, or when, to serve notice on owners requiring them to carry out repairs. In this case, the only penalty that could be applied was to seize ownership of the building and, although this was done, it was too late to prevent serious damage. NIEA faced criticism regarding the delay in taking effective action, particularly in view of the five-year gap between issue of the Repairs Notice and the Urgent Works

Notice. It told us that the delay was due to protracted negotiations with the owner and potential developers of the site with a view to securing and safeguarding the future of the building. In our view, having formal procedural guidance, applied consistently and in a timely manner and backed up by comprehensive and reliable management information, will be an important step in preventing recurrence of such cases and the accompanying criticism. This case underlines the need to complete the relevant work without delay.

Figure 14: Sion Mills Stable Block



Sion Mills linen village in Co Tyrone was founded in the 1830s and produced linen until the mill closed in the 1980s. The village contains several listed buildings, including a Grade B+ listed stable block adjacent to the Manor House that has been included on the Built Heritage at Risk Register since 1993, when it was described as “a building of great concern”.

The structure was in disrepair and deteriorated over time, but the owner did not undertake repairs, despite advice from, and protracted negotiations with, Environment and Heritage Service (now NIEA), including making him aware of his eligibility for grant aid. A Repairs Notice was served in May 2003 and a Notice of Intention to Vest served in September 2003. However, no further action was taken to preserve the building or vest it, partly as a result of legal challenges by the owner and partly because of the need to identify a future owner to take on the repair work.

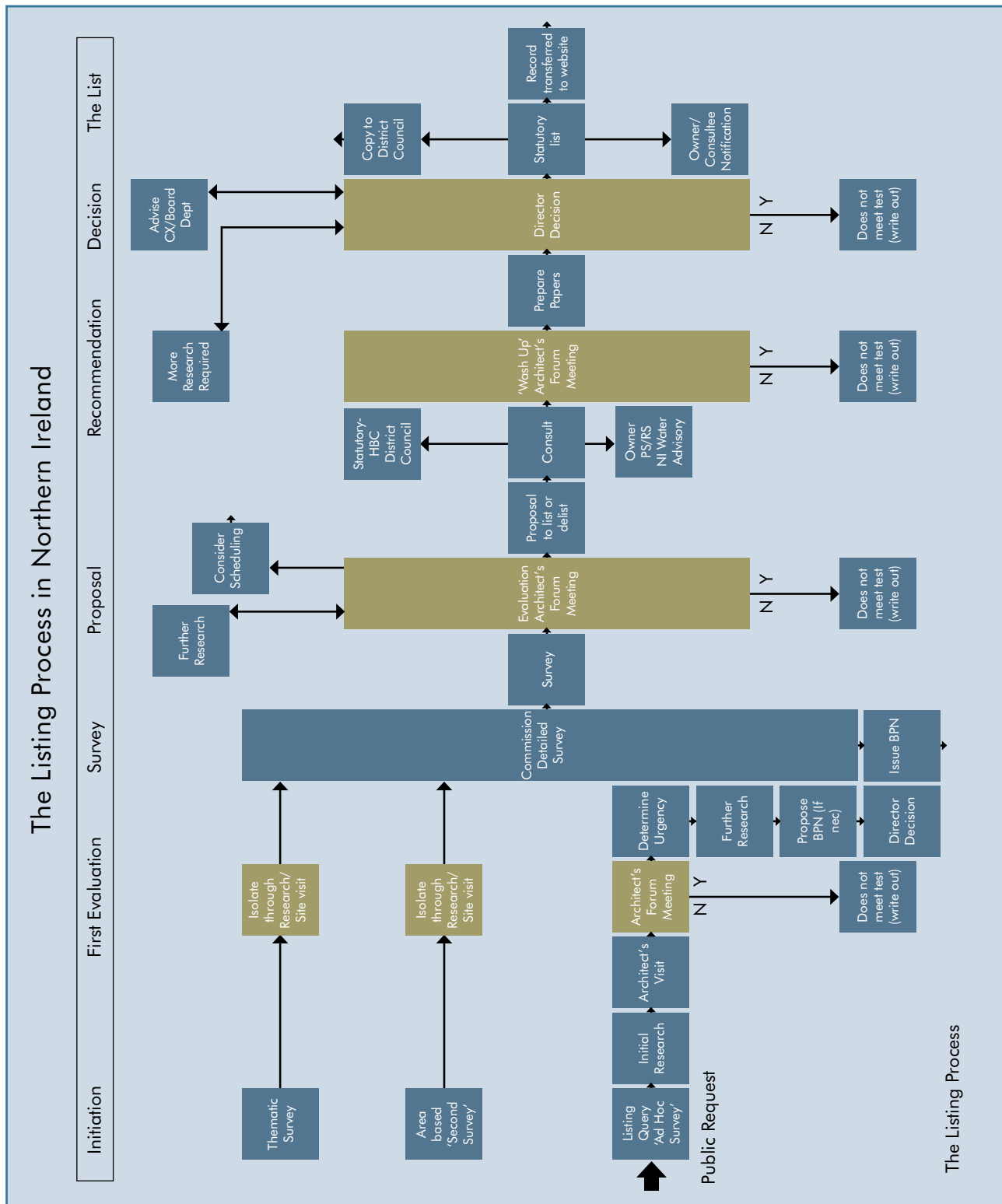
In June 2008, following the collapse of the clock tower, NIEA served an Urgent Works Notice on the owner and, when this did not result in any repair work being undertaken, took ownership of the building – the first such compulsory purchase in Northern Ireland. It was secured to prevent further deterioration and, in April 2010, NIEA transferred it to a Building Preservation Trust.

Source: NIEA

Appendix 1: Listed Building Categories and numbers (para 1.2 and 3.2)

Listed Building Category	No. of buildings In Grade	Description
A	187	Buildings of greatest importance to Northern Ireland, including architectural set-pieces and the least altered examples of each representative style, period and grouping.
B+	535	Buildings that might have merited A status but for detracting features such as an incomplete design, lower quality additions or alterations. Also includes buildings whose exceptional features, interiors or environmental qualities are above the standard set by B buildings.
B	3,471	Buildings of local importance and good examples of a particular period or style. Some alteration or imperfection of design may be acceptable**.
B1	2,448	Buildings that qualify by virtue of a relatively wide selection of attributes, usually including interior features or one or more features of exceptional quality and/or interest.
B2	1,783	Buildings that qualify for listing by virtue of only a few attributes, e.g. a building sited within a conservation area where the quality of its architectural appearance raises it appreciable above the general standard of buildings within the conservation area.
		** Since 1987, re-surveyed B buildings have been categorised as B1 or B2

Appendix 2: The Listing Process in Northern Ireland (para 2.1)



Appendix 3: Chronology of Second Survey (para 2.3 to 2.7)

1997	Second Survey begins
2001	New contracts for full survey let but only used on a call-off basis
2001	Full survey suspended – EHS staff work on backlog of records
2004	Second survey recommences employing existing teams until end of contract in 2005
2006	Survey suspended due to problems with letting new contract
2006-2007	Policy review undertaken to determine way forward. Published May 2007
2007	First test contract let in September
2008	Second test contract let
2010	Three year contract let to recommence full survey
Additional Work	
1999-2002	Thematic survey of thatched structures (extra requirement for measured floor plans)
2002	Thematic Belfast Roof Truss survey (carried out under 2001 second survey contract)
2001-2005	Ad hoc surveys (carried out under 2001 second survey contract)
2009	Ad hoc contract let
2010	New area-based survey contract let
<i>Source: NIEA</i>	

Appendix 4:

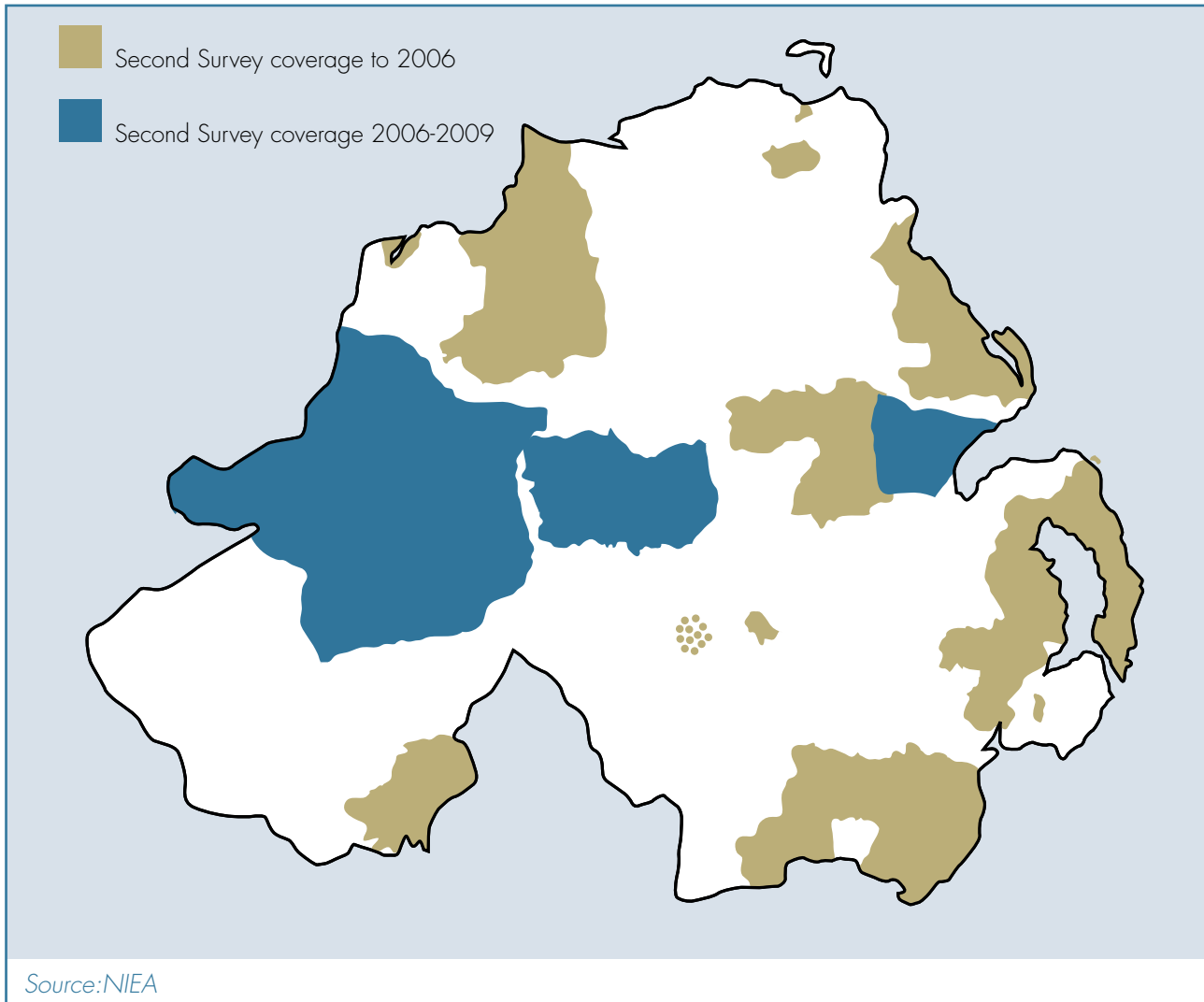
Ten Point Protocol for care of the UK Government's Historic Estate 2003 (para 3.17)

Departments and Agencies with historic estates will:	
1. Nominate a Conservation Officer	Responsible for monitoring all conservation activity in the Department and liaising with the Historic Estates Unit (NIEA in N Ireland)
2. Use consultants with appropriate expertise	For work such as condition surveys, alterations and repairs
3. Commission regular condition surveys	To be done every 4 years and identify and prioritise repair and maintenance requirements
4. Develop site-specific management guidance	To enable sound judgements to be made about repairs, alterations, management, reuse or disposal
5. Implement a planned programme of repairs and maintenance	Planned maintenance registers and forward repairs plans are recommended, to include estimated costs and a record of repairs undertaken
6. Protect buildings at risk	Agree a strategy for each case, whether by repair, reuse or disposal
7. Safeguard historic buildings that are in course of disposal	The Department for Culture, Media and Sport guidance on disposal of historic buildings should be observed and maximisation of receipts should not be the overriding aim
8. Comply with the non-statutory notification procedures for crown bodies	Consult with relevant statutory authorities at an early stage in relation to planning proposals that affect the historic environment
9. Ensure that the design quality of any new work enhances the historic environment	New work, including alterations to historic buildings, should enhance its surroundings
10. Prepare biennial conservation reports	To provide information relating to each historic building, including details of current occupation and condition. A copy of each report should be sent to the Government Historic Estates Unit, to allow it to draw up and publish biennial reports.

Appendix 5: Outcome of Court Action on demolition enforcement cases 2005-2010 (para 4.2 and 4.10)

Location	Building Grade	Fine Imposed
Demolition of a listed building in Moy	B1	£16,000
Demolition of a listed building in Belfast	B1	Owner £150, contractor £200
Demolition of a listed building in Clogher	B2	£11,000
Unauthorised works to a listed building in Fivemiletown	N/A Building Preservation Notice issued	£18,500
Demolition of a listed building in Waringstown	B1	Initially £50,000 (2 owners, £15,000 each and a contractor £20,000). The fine was later reduced on appeal to £1,100 (2 owners fined £500 each and the contractor £100).

Appendix 6: Map showing Second Survey coverage (para 2.6)



NIAO Reports 2010-2011

Title	Date Published
2010	
Campsie Office Accommodation and Synergy e-Business Incubator (SeBI)	24 March 2010
Organised Crime: developments since the Northern Ireland Affairs Committee Report 2006	1 April 2010
Memorandum to the Committee of Public Accounts from the Comptroller and Auditor General for Northern Ireland: Combating organised crime	1 April 2010
Improving public sector efficiency - Good practice checklist for public bodies	19 May 2010
The Management of Substitution Cover for Teachers: Follow-up Report	26 May 2010
Measuring the Performance of NI Water	16 June 2010
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General Report on the Health and Social Care Sector by the Comptroller and Auditor General for Northern Ireland – 2009	30 June 2010
Financial Auditing and Reporting - Report to the Northern Ireland Assembly by the Comptroller and Auditor General 2009	7 July 2010
School Design and Delivery	25 August 2010
Report on the Quality of School Design for NI Audit Office	6 September 2010
Review of the Health and Safety Executive for Northern Ireland	8 September 2010
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General Report by the Comptroller and Auditor General for Northern Ireland - 2010	22 December 2010
2011	
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