

## The Listing Process

Listed buildings are defined under Article 42 (1) of the Planning Order 1991 as: **'buildings of special architectural or historical interest'**. Under the article it is stated that the department *'shall'* i.e. must, draw up lists of these buildings. Under Article 42(7) such structures are to be known as a **'listed building'**. Special architectural or historic interest is therefore the legislative test to which all new listing proposals must be compared.

The flow chart, attached to this paper, summarises the process in graphic form.

### Initial Decision to Survey

The Historic Buildings Unit of the Built Heritage Directorate will decide to investigate if a building is worthy of putting to the legislative test as a result of three normal routes:

- a. A thematic survey may be commissioned to look at a particular building type. Recent surveys have included thatched buildings, historic pumps and Belfast Roof Trusses and the Mourne Water Scheme. In the past post war buildings have been considered in a similar way. A feature of some of this research has been voluntary help (Belfast Trusses) to isolate the best items for survey. In most cases an expert specialising in the field has been commissioned to carry out the task.
- b. The normal or 'main' route, is via a systematic survey of an area (generally known as the Second Survey). In this way buildings worthy of detailed recording and assessment are identified through general background research of an area and a 'brief site inspection' by commissioned surveyors. This provides the most holistic approach to recording because all the various strands of influence can be identified and put into a local context (eg, historical context, local preponderance, etc). It is also the most cost effective. Council Areas are surveyed, as a batch, because this also allows for good engagement with Councils and local stakeholders.
- c. The third route is in response to listing requests from the public, the voluntary sector, from other Departmental Officers (Including Planning Service), or from members of the advisory councils, such as the Historic Buildings Council or the Joint Committee on Industrial Heritage. We receive on average of 100 such requests each year. Following some

initial (historical) research, each of these subject buildings (of which the definition is very wide) is visited by an NIEA Conservation Architect and/or architectural historian (an Inspector). His/her illustrated report is presented to the Forum of Conservation Architects (which includes an Architectural Historian). A group view is taken on whether or not more detailed research is required.

By working in a group we seek to avoid any idiosyncrasies, personal likes or dislikes, or other inconsistencies, in the decision making.

Further consideration of listing may be rejected at this stage.

### **Choice of 'Route'**

Because the area based approach is the most holistic, and the most efficient, thematic surveys are commissioned only when a pressing need, or other key reason has been identified. For similar reasons listing queries are also only progressed to a full survey after a type of risk assessment has been carried out.

For the majority of listing queries considered worthy of more detailed research, an enquirer will be informed (as a result of the risk assessment process) that work will not be carried out until the area based (second) survey visits that area.

However, in some cases the potential threat is considered sufficient to justify the commissioning of a one off ('ad hoc') survey, out of sequence with the second survey.

In a few cases the threat is considered so great that the use of a 'Building Preservation Notice' is justified. BPN's are defined under Article 42A of the Planning Amendment Order 2003. They '*may*' be issued if:

*'... it appears to the Department that a building which is not a listed building-*

*(a) is of special architectural or historic interest; and*

*(b) is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest'.*

This protects a building, as if it were listed, for a period of up to six months.

If a BPN is considered likely then further research is often undertaken (asap) by Departmental architects and historians, to satisfy criteria (a) above, in advance of presenting a final recommendation to the Director of Built Heritage. As with final listing decisions the Director may determine to consult with, or to alert, the CX, Board, other Departmental colleagues, or the Minister, before proceeding with the issue of such a notice.

## **The Survey**

However commissioned, the survey, consists of a written external and internal description, accompanied by photographs, together with historical research. An evaluation of the architectural and historic value of the structure is made relative to the listing criteria. The criteria have been derived to accord with, and flesh out, the legislative tests. Owners are informed of the process, and their potential involvement, through discussion with the surveyor and/or the issue of an explanatory leaflet.

Once complete, the survey is presented to the Department using a standard pro forma with a recommendation from the surveyor on listing. If a Building Preservation notice has been issued then, when at all possible, this work is carried out within a tight timeframe to ensure that a final decision on listing or otherwise is made within the six month BPN period.

## **Evaluation Meeting**

Reports from surveyors are checked, and presented to an evaluation meeting, by the senior conservation architect (SCA) who will become responsible for the management of that record. At the meeting at least three conservation architects of senior or principal grade and (ideally also) an architectural historian will be present. These officers have wide experience and knowledge of the built heritage of Northern Ireland.

The proposal and record is considered relative to the listing criteria and a 'proposal' made. The surveyors report will subsequently be edited, if necessary, to reflect the group opinion.

At this stage the owner, and/or the person/group who has raised the matter in regard to an individual listing query, will be informed if the Architect's Forum has decided against listing.

Information on thematic and area based surveys are dealt with as a batch to avoid confusion for consultees and will be delayed until the whole batch has been processed.

## Consultation

Under Article 42(3) of the Planning Order *'Before compiling or amending any list under this Article, the Department shall'* (i.e. must) *'consult with the Historic Buildings Council and the appropriate district council'*. Formal consultation papers are issued (simultaneously) to these consultees.

As a matter of routine NIEA architects present and illustrate listing proposals to the HBC but attend district council meetings only in exceptional cases, and generally at their specific request. [As HBC members come from throughout NI we do not expect them to be aware of the majority of buildings that come up for listing, however more local familiarity, and easier local access to the buildings is anticipated in relation to district councils and their staff].

The owner; Planning Service; Road Service, and; NI Water, is also advised of the Department's intention at the same time. From this year onwards owners will be sent copies of the listing report along with this advisory note to (a) help them to confirm its accuracy and (b) to increase their understanding of the case being made for listing.

Representation from these groups is considered, by the Agency, before a final decision is made. It is important to note however that the legislative test allows only the architectural or historic interest to be considered.

Concerns over the impact of listing on future planning considerations, such as development proposals, cannot be considered as part of this assessment.

NIEA gives district councils six weeks to reply to the written consultation. If they do not reply, or seek an extension of time, within the 6-week period, then their support for the proposal is assumed. This approach follows normal business practice and it is clearly indicated in the letter of consultation.

### **Evaluation of Consultation: The 'Wash up Meeting'.**

All responses to consultations are considered at a, so called, 'wash up' meeting (a scaled down Architect's Forum) which is attended by at least two Senior Conservation Architects (SCAs) and chaired by the Principal Conservation Architect (PCA) in charge of the listing process.

Proposals which have been opposed are re-evaluated. This may involve a detailed reconsideration, provided that the case has been presented based upon architectural or historic grounds. As a result further research could be commissioned at this stage.

If NIEA's proposal to list has been opposed by both statutory consultees then, as a rule NIEA does not proceed with listing. (But note that rules are proven by their exceptions!)

The decision at this stage of the process becomes a 'recommendation' when signed off by the Principal Conservation Architect (PCA) before forwarding it to the Director.

In exceptional circumstances, the PCA may, overrule the opinion of the Architect's Forum and either, require more research, or, decide that the case for listing has not been made.

As with the previous evaluation stage, the record may be updated to take account of the revised view. If an ad-hoc query is being considered, then the owner and the proposer is informed of the Departmental decision. If the record is part of a batch it is held for processing along with the others in that group.

### **Preparation of Listing Papers**

Following sign-off of the 'recommendation', by the PCA, listing papers are prepared by the Administrative Team in the Historic Buildings Unit.

'The list' as contained in files that are maintained, on public access in the MBR and deposited in the Public Record Office are retrieved and draft amendments made.

Under Article 131 of the Planning Order an entry in a list compiled under article 42 must be registered in the '*Statutory Charges Register*' of the Land Registry. A map is drawn up for this purpose clearly indicating the listed building. The extent of listing is checked and finally determined, on site, by the Senior Conservation Architect (SCA) responsible for the record.

This architect (SCA) also confirms that the report is still accurate and up to date (ie, it is re-compared against the original building). If it is not then the proposal may have to be re-evaluated or even resurveyed.

The listing papers are then formally signed off by the SCA, and the PCA, before they are presented to the Director.

### **Director's Consideration**

The Director of Built Heritage is an authorised officer of sufficient seniority to sign off legal papers on behalf of the Department.

He is presented with a recommendation for listing along with a summary of the various consultation responses and other correspondence on the case. He may also have received direct communication on the case from others. Before arriving at a final decision, relative to the legislative test, he may choose to consult with other senior Departmental colleagues. This is rarely required, but may be appropriate for high profile or particularly sensitive cases.

The Director may decide that he has insufficient information or may disagree with the proposal put to him. In this case further research can be carried out and/or the proposal re-evaluated by the Forum of Conservation Architects.

The Director may, in exceptional circumstances, over rule the view of the PCA/Architect's Forum and decide that a case for listing has not been made, or that some modification of the recommendation is required.

### **Alteration of the List**

With the signature of the Director a final decision to list has been made and the list is formally altered. The Departmental Seal is affixed to the new list entry and a record is placed on, or modified at, the Land Registry.

As required under Article 42(4) the District Council is issued with a copy of the amendment to the list for its area. In addition, the owner; Planning Service; Road Service, and; NI Water receive a formal notification of the action of the Department. The HBC is informed at its next meeting. Owners are also issued with a pack of information, including a guide, informing them of the implications of the designation.

The survey record is also transferred onto the NIEA website, for public information purposes. Information on the interior of private buildings is withheld to respect owners privacy rights and other security considerations.

**END**

22 September 2008