

Buildings At Risk - Approach for the Future

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Purpose of the Report

1. The purpose of the report is to update Councillors regarding its approach to dealing with Buildings at Risk.

Public Interest

2. The Council is responsible for determining arrange of development applications under the provisions of The Town & Country Planning Act 1990 (As amended) together with the Listed Buildings and Conservation Areas Act 1990 (As amended). This report sets out the current work being undertaken.

Recommendations

3. That Council:-
 - a. note the contents of this report.
 - b. endorse the importance of continuing this work and request the new council is encouraged to afford appropriate priority to protect and enhance the heritage of Somersets historic buildings, and conservation areas.

Background

4. Historically “Buildings at Risk” reports were periodically presented to the Area Committees, most recently in 2018. More recently both Area West (specifically) and SSDC’s Scrutiny Committee have requested an update regarding the Council’s position in respect of taking positive action to manage heritage assets within the district.
5. Members and Officers are keen to ensure the heritage of South Somerset is preserved and maintained for future generations.
6. Within Somerset, South Somerset has significantly more listed buildings and conservation areas than any other council. The position is set out below:

Authority	Conservation Areas	Listed Buildings
Mendip	27	3,000
Sedgemoor	14	1,100
Somerset West	41	2,000
South Somerset	80	4,600



7. The Planning (Listed Buildings and Conservation Areas) Act 1990 places certain powers and duties upon planning authorities in respect of heritage management. These include:
 - Section 2 requires planning authorities to maintain a list of buildings of special architectural or historic interest and to record this as a land charge.
 - Section 26 enables planning authorities to enter into Heritage Partnerships with owners of listed buildings relating to the determination of listed building consents together with future maintenance, making provision for public access or restricting access.
 - Section 38 provides the power to issue a listed building enforcement notice.
 - Section 47 allows the Secretary of State they may authorise an authority to compulsorily acquire a listed building where reasonable steps for properly preserving a listed building are not being taken (subject to payment of compensation).
 - Section 48 allows for the service of a “Repairs Notice” as a precursor to compulsory acquisition.
 - Section 54 allows for the undertaking of urgent works necessary to preserve a listed building.
 - Section 57 provides the power for an authority to make grants or loans toward the repair or maintenance of a listed building.
 - Section 69: The duty from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas / designate conservation areas.
 - Separately, the Town & Country Planning Act 1990 (As amended) allows to serve notices under Section 215 of the Act where it is concerned that the amenity of land within the authority is adversely affected by the condition of particular areas of land.
8. The above powers and rights are discretionary. The duty under Section 69 to review and designate conservation areas is achieved by undertaking the process from “time to time”.
9. Aside from its day-to-day conservation role, SSDC (South Somerset District Council) has worked with key stakeholders in Chard in relation to the High Street Heritage Action Zone and Wincanton for the Regeneration Project, to deliver enhanced public realm works within the core of the respective conservation areas and to provide grant aid to enable the improvement of shopfronts, including a number which are listed.
10. Since 1998 Historic England has maintained a list of “Buildings at Risk” (BAR) across England. The register is published annually. In 2011 Historic England added licenced places of worship to the list. Historic England’s intention is that the BAR enables them to offer advice, solutions, and information on funding together with possible financial support for Urgent Works Notices and Repairs Notice.



11. A reduction in resources has meant the development management team have had to focus on our statutory duties, and pull back from project working, including the updating of the BAR.
12. In recognition of this gap and the importance of preserving the heritage of the District, Members approved a one-off budget of £25,000 for 2022/23 to fund a targeted review and updating of the BAR. The funding will also provide early technical support to secure the integrity of a listed building in Area North.
13. Additionally, we are working with Building Control colleagues to identify approaches to deal with the key BAR where their location also constitutes a risk to public safety in Castle Cary, Crewkerne and Yeovil.
14. As a result of the additional budget being made available for more pro-active conservation work, the Enforcement Team have reviewed their live enforcement cases and identified a priority list relating to unauthorised works to listed buildings which they have asked for the Development Management Team to review and assist with in parallel with the BAR review.
15. To ensure priority is given to this important work the Council has engaged a Heritage Consultant to advise upon the most appropriate courses of action in respect of the key “at risk” properties, to support the Council in developing its evidence base for the preparation of listed building enforcement notices and / or prosecutions and to update the BAR list. This work is still ongoing and will take some months to complete. It is likely that the project will also impact upon existing enforcement and legal officers as additional notices are required to be drafted and served.
16. The consultant has visited all four sites referenced in paragraph 14 and 15 and begun work liaising with the owners of the buildings to find a practical way forward, which preserves the integrity of the buildings.
17. As part of the Local Government Reorganisation and service re-alignment the Council will actively work to ensure a consistency of approach to the delivery of a heritage service across the former districts.

Financial Implications

18. Whilst budget has been allocated, initially for the BAR project and this remains sufficient for the BAR and initial public safety / enforcement work, the nature of the project has expanded from the requirements set out in the original brief. At this stage there is sufficient funding to progress these projects. Should further active involvement in particular BAR properties (for reasons of public safety) be required, or the Council wishes to progress all listed building enforcement cases consecutively rather than on a priority order basis a further bid for funding support may need to be considered.
19. Additionally, and separate from Development Management, there is a likely increase in demand for support from legal services in relation to the increased enforcement case work requiring their support. In the longer term however, there is merit in demonstrating to bodies such as Historic England a commitment to dealing with the BAR issue when



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seeking to unlock their support for specialist posts or grant /loan funding for particular heritage projects.

Legal implications (if any) and details of Statutory Powers

20. Power to undertake planning functions in relation to heritage management and enforcement is set out The Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended) and The Town and Country Planning Act 1990 (As Amended)

Council Plan Implications

21. The quality of the historic environment contributes positively to its wider obligations to enhance the environment within the District and support healthy and self-reliant communities

Carbon Emissions and Climate Change Implications

22. Nothing arising from this report.

Equality and Diversity Implications

To be updated

<i>An Equality Impact Relevance Check Form has been completed in respect of the Proposal?</i>	Yes
<i>The Impact Relevance Check indicated that a full EIA was required?</i>	No
<i>If an EIA was not required, please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.</i>	
<i>If an EIA was required, please attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.</i>	
Additional Comments	
<i>Promoting works to improve the condition of the Councils historic fabric focuses upon the needs of particular buildings acknowledged to be of national significance by reason of their listing. The actions described by this report are not designed to respond to the needs of particular protected characteristics.</i>	

Privacy Impact Assessment

23. There are no privacy issues raised by this report.

Background Papers

- Appendix A – Equality Impact Assessment Check Form