Causeway Coast & Glens Borough Council

Title of Report:	**Consultation on Dangerous Structures (Fees) Regulations (NI) 2027: Regulatory Impact Assessment**
Committee Report Submitted To:	**Environmental Services Committee**
Date of Meeting:	**10th November 2026**
For Decision or For Information	**For Decision**
To be discussed In Committee	**No**

Linkage to Council Strategy (2021-25)	
Strategic Theme	Healthy, Active and Engaged Communities
Outcome	Provide a consultation response
Lead Officer	Head of Health & Built Environment

Estimated Timescale for Completion	
Date to be Completed	N/A

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	**NO**
Legal Opinion Obtained	**NO**

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

1.0 Purpose of Report

1.1 The purpose of this report is to present, for Members' consideration and approval, the Council's draft response to the Department of Agriculture, Environment and Rural Affairs (DAERA) consultation on the Draft Regulatory Impact Assessment for the Dangerous Structures (Fees) Regulations (Northern Ireland) 2027.

2.0 Background

2.1 DAERA has issued a consultation on the Draft Regulatory Impact Assessment (RIA) supporting the proposed Dangerous Structures (Fees) Regulations (Northern Ireland) 2027. The Regulations, which are to be made under the Dilapidation Act (Northern Ireland) 2027, will provide councils with a statutory mechanism to recover costs incurred in undertaking investigations and assessments to determine whether a structure is dangerous. This addresses a current gap whereby councils cannot recover such costs when an interested person, such as an owner or occupier, complies with a notice and consequently no works in default are required.

2.2 The proposed Regulations will enable councils to charge prescribed fees for surveys, inspections and monitoring undertaken as part of the assessment and enforcement process. These powers will apply irrespective of whether the Council ultimately undertakes remedial works. Existing cost recovery provisions within the Dilapidation Act are limited to the recovery of reasonable expenses incurred where a council has carried out remedial or emergency works and do not extend to investigative or monitoring activities undertaken in advance of enforcement action.

2.3 The Dilapidation Act (Northern Ireland) 2027 is intended to strengthen the powers available to district councils to address neglected, dilapidated and dangerous buildings and sites, thereby enhancing public safety, improving the local environment and reducing the impact of dereliction on local communities.

2.4 The Council has previously expressed concern regarding the absence of dedicated central government funding to support implementation of these additional responsibilities. While the Act provides powers to undertake works in default and recover costs from property owners, councils remain exposed to the financial risks associated with enforcement. Where recovery action is pursued through the courts, the process can be lengthy, resource-intensive and costly, with no guarantee of full cost recovery.

2.5 The introduction of prescribed fees is intended to provide a clear and transparent framework for recovering costs associated with dangerous structure investigations. It will support a more consistent approach to enforcement across councils, reduce the financial burden on local authorities and reinforce the principle that those responsible for creating the need for intervention should contribute towards the costs incurred.

2.6 The Draft RIA considers three policy options:

Option 1 - **Do Nothing.** No fee-charging powers would be introduced, and Councils would continue to absorb the costs associated with dangerous structures investigations, surveys, inspections and monitoring activities. These costs would continue to be borne by ratepayers.

Option 2 - **Non-Statutory Guidance.** DAERA would provide guidance to Councils on managing costs through existing arrangements. This would not establish a statutory mechanism for cost recovery and may result in inconsistent implementation across Council areas.

Option 3 - **Dangerous Structures Fees Regulations**. The proposed Regulations would establish a statutory fee framework enabling Councils to recover costs associated with surveys, inspections and monitoring activities undertaken in connection with dangerous structures investigations. DAERA considers this to be the preferred option. The Regulations are intended to promote consistency across Northern Ireland, improve cost recovery and reduce the financial burden on ratepayers.

2.7 The Council may incur significant costs in assessing potentially dangerous structures, including expenditure associated with structural engineering surveys, specialist inspections and ongoing monitoring. The proposed fee-charging framework would provide a means of recovering these costs from relevant property owners or interested parties, helping to minimise the financial burden on the Council and local ratepayers.

2.8 The Council recognises the potential benefits of a regional fee framework, including:

- Improved cost recovery for Councils.
- Greater consistency across Northern Ireland.
- Increased transparency for property owners.
- Enhanced support for the effective implementation of dangerous structures legislation.
- Reduced financial pressure on local government budgets.

2.9 The Council supports, in principle, the introduction of Regulations that enable the recovery of reasonable costs associated with dangerous structures investigations from those with an interest in the property, rather than placing this burden on ratepayers.

2.10 However, the proposed arrangements would place responsibility on councils to fund investigations in advance of cost recovery, exposing them to financial, cashflow and recovery risks. The Council therefore considers that the Regulations should include appropriate mechanisms to mitigate these risks and that the fee structure and Regulatory Impact Assessment should fully reflect the costs associated with administering, managing and enforcing the regime.

2.11 The Council considers that the Regulations should be supported by regional guidance to ensure a consistent approach across councils. Any assumptions regarding costs and case volumes should be evidence-based, and the framework should recognise the increased costs that may be incurred in rural areas, including travel, repeat inspections and access to specialist services.

2.12 In summary, the Council supports the introduction of the Dangerous Structures (Fees) Regulations in principle and agrees that reasonable costs should be borne by those with an interest in the property rather than by ratepayers. However, concerns remain regarding the proposed cost recovery model, which would require councils to meet investigation and administration costs in advance while assuming the associated financial risks. The Council therefore considers that the final framework should provide greater certainty around cost recovery, adequately reflect the full costs of implementation and administration, and recognise the additional challenges associated with service delivery in rural areas.

2.13 As part of the regulation making process, the DAERA is consulting on the draft Regulatory Impact Assessment (RIA) which can be found at**:**

https://consultations2.nidirect.gov.uk/daera/dsfeesregsria/

Attached as Appendix 1 is a suggested response to the consultation.
The closing date for submission of responses is 13th November 2026

3.0 Recommendation

It is recommended that Committee approves the response for submission by the consultation closing date, subject to subsequent endorsement or amendment by full Council.

Appendix 1

Draft response to the Consultation on the Draft Regulatory Impact Assessment for Dangerous Structures (Fees) Regulations (N.I.) 2027

Please provide any comments, observations or suggestions you might have in relation to the draft RIA.

The Council supports the principle that those with an interest in a dangerous structure should be responsible for the reasonable costs associated with surveys, inspections and monitoring, rather than these costs being borne by ratepayers. The Council also acknowledges the benefits of a regional fee framework in promoting consistency, transparency and a more effective approach to cost recovery across councils.

However, Council cannot support the fee mechanism as currently proposed.

The draft Regulations would require councils to incur the costs of surveys, specialist advice, inspections and monitoring at the outset, without any guarantee of full or timely cost recovery. This would place the financial risk and responsibility for debt recovery on councils, with potential implications for ratepayers.

The Council considers that the proposed framework should include stronger safeguards to ensure timely and effective cost recovery. In the absence of such measures, consideration should be given to central government funding or underwriting arrangements to mitigate the financial exposure placed on councils.

The Council makes the following comments for consideration:

1. **Cost Recovery**

   Investigations of dangerous structures frequently require specialist structural engineering advice, surveys and ongoing monitoring, often at significant cost. The Council therefore supports the principle of recovering these costs from those with an interest in the property, particularly where intervention is necessary to protect public safety.

2. **Fee Structure**

   While the proposed banded fee structure offers transparency and certainty, it may not accurately reflect the complexity or actual costs of all cases. Consideration should therefore be given to ensuring that the fee regime provides for appropriate cost recovery across a range of circumstances.

3. **Administrative Costs**

   The Regulatory Impact Assessment (RIA) should recognise the administrative resource implications for councils, including fee administration, invoicing, record management, debt recovery and the resolution of disputes relating to charges.

Appendix 1

4. **Consistency of Approach**

   The Council would welcome regional guidance to support a consistent approach to inspections, monitoring, fee application and cost recovery across all district councils.

5. **Evidence Base**

   Any assumptions regarding anticipated case numbers, costs and recovery levels should be clearly identified and supported by available evidence where possible.

6. **Impact on Property Owners**

   The Council considers it appropriate that property owners should bear reasonable investigation costs where council intervention is required in the interests of public safety, provided that charges are proportionate, transparent and applied consistently.

7. **Rural Considerations**

   The framework should recognise that dangerous structure investigations in rural areas may involve additional costs associated with travel, repeat site visits, specialist access requirements and the limited availability of professional expertise. Consideration should be given to ensuring that these factors are appropriately reflected within the fee regime

In summary, Causeway Coast and Glens Borough Council supports the introduction of the Dangerous Structures (Fees) Regulations in principle but considers that the proposed fee recovery model requires further refinement before it can be fully supported.

Without more robust cost recovery mechanisms or appropriate financial support arrangements, councils would remain exposed to significant financial risk in delivering this statutory public safety function. The Council therefore considers that the final framework should provide greater certainty of cost recovery, adequately reflect the full costs of administration and enforcement, and take account of the additional challenges associated with implementation.