



· INSTITUTE · OF · HISTORIC ·
BUILDING · CONSERVATION

Making Heritage Work

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Dear Mr Holborow

THE DISPOSAL OF HISTORIC ASSETS: GUIDANCE NOTE FOR GOVERNMENT DEPARTMENTS AND NON-DEPARTMENTAL PUBLIC BODIES

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

The Institute welcomes the opportunity to comment on the consultation.

Overall we found this to be a succinct and well-structured document. We do have a few comments on possible additions and amendments.

Omissions

There appears to be no reference in the document to the following:

- The duties under s16, s66 and s72 of the 1990 Act which require “special regard to be paid” to the qualities of the listed building or conservation area when making planning decisions. This is needed to ensure full understanding of the planning process.
- The impending unification of heritage registers and consent regimes. This is needed for future-proofing of the document.
- Monitoring of outcomes. This is needed to allow effectiveness to be assessed.
- The need for asset managers to have regard to heritage value. This is a major contributor to the maintenance of cultural value.
- Recent changes to Crown Immunity. This is needed to ensure that the target audience is fully aware of current procedures.

Detailed comments

Paragraph 2.1 This should clearly set out the legal definition in historic building terms of "fixtures" and "fittings" on which there is clear case law.

Paragraph 2.4 (fourth sentence on consultation with English Heritage) This should be extended to include notification of the local planning authority to fulfil the involvement in the planning process implied in paragraph 6.1.

Paragraph 2.9 This refers to "loose items" which is unsatisfactorily vague. See comment on paragraph 2.1 above.

Paragraph 3.2 It is suggested the text be amended to recommend discussion with the local planning authority where appropriate.

Paragraph 3.3 This might refer to *Heritage Works: The Use of Historic Buildings in Regeneration – a Toolkit of Good Practice*, Tombak, EH/RICS/BPF

Paragraph 4.1 The seventh line referring to "care" might more explicitly refer also to "maintenance".

Paragraph 5.3 This requires clarification about which grades of buildings are published in the EH Biennial Conservation Report. Is this Grades 1 and 2* or all grades? As only the former (outside London at least) appear on the EH BAR Register (which is also annual not biennial).

Paragraph 6.3 Local planning authorities may also produce development briefs outside the context of the LDF.

Paragraph 7.5 There is no reference to the invaluable advice in EH's publication *Informed Conservation* (2001).

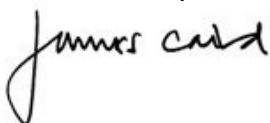
Paragraph 8.5 (line eight) The reference to planning agreements should be expanded to give the correct statutory term "...planning obligations under S.106 of the 1990 Planning Act...".

Paragraph 8.6 It is not clear whether this needs to be expanded. The 2006 National Trust report referred to in the terms of reference states: "No Government Department was aware that it possessed any non-operational heritage asset with a negative market value, or any that cost more to manage than the income it generated" [page 39, para 3.62(v)]. This implies a lack of appreciation of this amongst asset managers.

Paragraph 11.3 The remits of the national amenity societies should be expanded. The Joint Committee website (given as a footnote) does not give the individual contact points and it would be inappropriate and inefficient to route any enquiries via the JCNAS which is effectively a one-man secretariat.

The Institute hopes you find these comments useful. We think the document will be a useful one and would like to see the direct applicability of the advice extended to Local Authorities as soon as practicable.

Yours sincerely



James Caird

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