



· INSTITUTE · OF · HISTORIC ·  
BUILDING · CONSERVATION

*Making Heritage Work*

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Dear Madam

## **PLANNING BILL**

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 would like to comment on 3 aspects of the Bill which cause it concern.

### **1. Heritage protection**

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place specific duties on decision makers considering applications for planning permission to have "special regard" to the potential impact of the decision on the listed buildings or their settings and "special attention" to the desirability of preserving or enhancing conservation areas. Similar obligations are placed on decision makers considering applications for listed building consent under s16(2). This provision applies to all decisions under "the Planning Acts" but is not replicated in the Bill because the Planning Act 2008 is not currently proposed to be included within the definition of "the Planning Acts". This is a major act of deregulation: the decision-making Panel for projects most likely to have major impacts on heritage interests will not have to comply with the current duty to have "special regard/attention".

The Institute would like to suggest that this issue could be overcome simply with either:

- a provision in the Bill to impose on the Commission the duties under ss 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; or
- amending the definition of "the Planning Acts" in s336 of the Town and Country

Planning Act 1990 to include The Planning Act 2008.

## **2. National Policy Statements: heritage issues**

The Institute acknowledges that the streamlining of the planning process for major infrastructure projects means that National Policy Statements (NPS) cannot be required to comply with all current national planning policy. It would be right for all "environmental" issues (including heritage ones) to be dealt with under the requirement for sustainability appraisal contained in clause 6(3) of the Bill. The Institute is concerned that the references to sustainability appraisal in the Bill do not make reference to any specific standard of appraisal to be achieved, and, specifically, whether there is a requirement for Strategic Environmental Assessment under Directive 2001/42/EC.

The Institute would like to suggest that this issue could be overcome simply with a specific requirement for Strategic Environmental Assessment in conformity with Directive 2001/42/EC in clause 6(3) of the Bill.

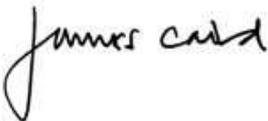
## **3. Local Planning Authority reviews of Officer decisions**

Clause 150 of the Bill proposes amendments to rights of appeal under s78 of the Town and Country Planning Acts 1990. Under the proposed s78ZA, applicants would have no right of appeal against the decision of a Local Planning Authority which has reviewed a decision of an Officer under proposed s75(C). Similar provisions apply to other types of application including those for listed building consent.

The Institute thinks this proposal is inappropriate because it is contrary to the provisions of natural justice that there should be no right of appeal against such a decision. LPAs will not be seen by the public as being independent of their Officers.

The Institute should be grateful if these comments could be considered by the Committee.

Yours faithfully



James Caird  
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