

Protecting our historic environment: making the system work better

Response of the Institute of Historic Building Conservation

October 2003

Q1.1 Would a unified List for England improve existing arrangements?

The IHBC supports the principle of a single comprehensive list of historic assets. The reference to post-1948 buildings in Section 1 of the Act should be removed.

The creation of a single list would help to reduce confusion over the different national protection regimes – listed buildings and scheduled ancient monuments should certainly be included. It would also make sense to include world heritage sites, in recognition of their national (and international) significance.

The success of the merger will depend on the detail – in particular the extent to which the different control regimes for listed buildings and scheduled ancient monuments are merged, or differences are maintained. This will require very careful consideration if negative consequences are to be avoided.

There are both advantages and disadvantages of including Conservation Areas on the national list. By not including them, the clear divide between national and local designations would be maintained. Also, introducing 'listed' conservation areas could cause confusion – people are surprisingly aware of 'listed building' and 'conservation area' designations.

However, if conservation areas were included on the national list, it would be more comprehensive, as a single source of designation information. In addition, it would avoid the situation where Registered Parks and Gardens appeared on the national list, but associated conservation areas would not.

Either all conservation areas or none should be included on the national lists. If only selected conservation areas were included, this would result in none of the above advantages. It is important to appreciate that local designations are not necessarily any less important or significant than national designations.

The 1948 cut off date in Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 should not be carried over into new legislation. The listing of post-war buildings makes this provision obsolete.

Records on listed buildings need to be stored relative to GIS and be available through the internet.

Q1.2 Is a power at national level to designate areas of historic importance necessary or useful? What would it add to the present conservation area designation? What issues would need to be resolved?

The IHBC supports a power at national level to designate conservation areas, though they should still normally be designated by local authorities.

A power at national level to designate conservation areas would be useful, for example for conservation areas crossing local authority boundaries, for areas of national or international importance, or where a local authority fails to designate important areas due to lack of specialist staff or other reasons. Clarity would be required over local authorities' powers to de-designate conservation areas.

However, conservation areas should normally still be designated by local authorities. It may be helpful for designation to be followed by a national system of grading to reflect

their national, regional or local significance.

Q2.1 Are the suggested safeguards sufficient to allow English Heritage to become responsible for maintaining the List?

The IHBC supports in principle the proposal to transfer responsibility for listing to English Heritage.

Delegating powers to list items to English Heritage would help to simplify the system. Democratic accountability could be maintained by listing criteria being set in national guidance produced by the Government.

It would be essential for decisions to be open and for the detailed reasoning behind decisions to list or not to list to be published by English Heritage. This would allow the rigour and consistency of decisions to be monitored.

Q2.2 What other options might there be? For example, might English Heritage establish some form of independent committee to make the designation decisions? How would CABE's advice on post-war buildings be factored in?

The IHBC recommends that English Heritage should set up a listing advisory committee, reflecting the full range of specialisms involved in the national list. CABE could be a consultee on all listings, but should not have a special role on post-war buildings.

It would be desirable for the Committee to be made up of experts and practitioners from all around England, not just London. However, to ensure consistency, listing should be administered centrally rather than being devolved to the regions.

In the interests of simplicity and consistency, buildings of all periods should be treated in the same manner. The current arrangement whereby CABE is involved in post-war buildings introduces inconsistency and blurs the clear distinction between the roles of English Heritage and CABE. English Heritage has specialist expertise in dealing with 20th century buildings, CABE does not. CABE should not be involved in decisions on post-war buildings. It may be useful for CABE to be a standard consultee on proposals to list buildings of all ages. However, it would be more inclusive and involving of local people if local civic or heritage societies were consulted.

Q3 What criteria should be used to determine what items should be placed on the List?

The IHBC is very concerned over any proposal to complicate the listing process by taking account of matters currently dealt with by the listed building consent procedure.

This proposal would blur the current clear distinction between making decisions on heritage merit, and matters dealt with by the listed building consent process. It would make the listing process slow, obscure, expensive and laborious. It would introduce inconsistency between decisions. And the information obtained would rapidly become obsolete unless constantly updated.

To ensure structural and economic information was unbiased, assessment of such factors would need to be paid for by the listing body.

The purposes of the review, stated on page 8 of the consultation document, include

simplifying, openness, flexibility and rigour. Introducing discretion in deciding what to include on the list would undermine these aims. Each decision would be open to challenge, leading to waste of resources on appeals both for and against listing. The only workable basis is to have clearly stated criteria, as at present. The IHBC is strongly opposed to the suggestion that economic factors be considered outside of the listed building consent process.

However, where a vacant building at risk is listed, it may be possible for a listing entry to be accompanied by advice on the kind of works likely to be acceptable to deliver regeneration.

Listing criteria should give more recognition to social and economic historical factors. It may also be appropriate to balance the current emphasis on age with an increased emphasis on qualitative assessment.

Q4.1 Should the present gradings of I, II* and II be retained?

The IHBC supports the retention of the current three grade classification.

The merging of grades I and II* would water down the status of Grade I. The merging of grades II* and II would remove recognition of the buildings at the top end of grade II. The current gradings should therefore be maintained.

However, as more than 90% of buildings are listed at grade II, there is a need to emphasise the importance of ALL listed buildings.

The IHBC is concerned over the inconsistency in the grading of post war buildings. Whilst the leading works of past centuries are listed at grade I and II*, many leading works of the 20th century only attract a grade II status. As so few works of the post-war years are listed (i.e. the exemplars of the period) they would be expected to warrant higher grades.

Q4.2 Should some of the items at grade II move onto local lists? What safeguards would be needed?

The IHBC strongly opposes moving grade II items onto local lists, except where individual buildings are found to fall short of the national standard that warrants inclusion on the national list.

The suggestion that some Grade II items should be de-listed and moved to local lists is one of the most controversial proposals in the document. It is essential that the Government's commitment to conserving the nation's heritage be upheld. Grade II items are of national quality. Local lists use a different balance of criteria.

Delisting significant numbers of grade II items would have potentially damaging consequences not only through the loss or damage of built heritage, but also reduced regeneration opportunities (listed buildings can attract funding and VAT concessions and are targeted by some developers) and lack of certainty (for example, for residents living in listed terraces). It could also lead to reduction in land values in some instances.

Heritage is one of the most emotive areas of interest in the UK, as demonstrated by the activities of various well-subscribed national and local interest and amenity groups. There would be considerable opposition to any significant programme of de-listing.

However, it is accepted that buildings sometimes need to be removed from the list because they are no longer considered to meet the high standards required for national listing. Removals should be based on considerations of merit. Buildings should not be removed on the basis of an arbitrary quota.

The IHBC accepts that there is an issue of inflation - the more that is protected, the less meaningful the designation. However, a small proportion of buildings are listed at present. In addition, there is a natural process of wastage through granting of listed building consent, natural disasters, etc. The removal of buildings from grade II would be extremely premature and would represent a disproportionate response to a perceived future problem.

In any case, considerations should not be based purely on quantity, but on significance. The special character of England's historic environment owes much to the range and diversity of its vernacular buildings, as highlighted long ago by Alec Clifton-Taylor in "A Pattern of English Building". To restrict proper protection only to the individually most significant assets would be to deny protection to key aspects of what is special about our historic environment. Once the damage is done to this key resource, there could be no turning back. We would fail in our duties to both current and future generations. Migrating grade II buildings to local lists would be a horrendously damaging move.

This proposal would also seem to run contrary to the stated aims of the review – simplifying, openness, flexibility and rigour. It would introduce complexity, less certainty, and reduced opportunity. Buildings removals should occur through considerations of merit and/or destruction only.

Q5.1 Would a requirement for statements of significance help to establish for owners and local authorities what was important to conserve? How could the statements take account of the inevitable changes in values over time?

The IHBC supports the principle of published statements of significance for all historic assets, as a capacity building measure. However, these could not be definitive statements of special interest.

The IHBC strongly supports the need for better information and openness in the listing process. This would demonstrate rigour and potentially improve certainty and the speed of decision making. It would be a positive capacity building initiative, leading to better understanding of why buildings are considered to be important.

It should be recognized that statements of significance can never be permanent and definitive, as further information on the item will come to light and values may change. It would be prohibitively complicated, time-consuming and expensive (and ultimately impossible) to attempt to comprehensively define special interest in the statement of significance. But statements of significance should provide a clear justification of the decision to list.

Changes in knowledge over time will be far more significant than changes of values: it is impossible to anticipate what features of interest may be concealed from view at the time of listing. Provision needs to be made (through the building Log Book?) for building up knowledge over time.

Two key improvements in practice would be: to ensure that where properties are offered for sale, the vendor / vendor's agent liaises with the local authority conservation

officer to ensure that sale particulars reflect the significance of the building; and prospective purchasers should be encouraged to contact the conservation officer before concluding a purchase to discuss their proposals for the property.

Q5.2 What should be the process for drawing up statements of significance for existing listings?

The IHBC would support a comprehensive national programme to produce statements of significance for all listed assets within a reasonable period.

There are clearly significant resource implications to producing statements of significance. Funding would be required for statements of significance to be prepared for older listed buildings. This would be desirable in the interests of openness, certainly and capacity building.

Statements of significance should not be left to the listed building consent stage as this would introduce delay.

The production of statements of significance would allow any buildings no longer warranting inclusion on the national lists to be identified.

Q5.3 Should maps take the place of the present definition based on curtilage?

The IHBC supports the principle of map based definition for all listed assets.

Map based definitions for listed assets would help create clarity and remove ambiguity, unlike the present and variable legal definitions of curtilage. It would also be compatible with moves towards GIS based records. However, it should be recognised that there are significant resource implications in producing maps for all current listings.

Q6.1 Should the listing process become open and who should be consulted on an application?

The IHBC strongly supports openness in the listing process.

Openness is essential in the decision making process. Recommended consultees would include owners and occupiers, neighbours, local authorities, local and national amenity and civic societies, and CABE. Clearly, provisional protection would be necessary during the consultation period.

Q6.2 Might there be different requirements for private properties which are lived in?

The IHBC opposes inconsistent treatment for properties which are lived in.

There is no reason to introduce inconsistencies to the protection of residential properties. It should be appreciated that listing allows buildings to change and evolve. It is about quality assurance, not the prevention of change. Indeed, residents benefit from certainty, access to specialist advice and protection of value. The vast majority of applications for listed building consent are approved.

The idea of introducing historic asset log books as part of seller's packs for housing is supported (see 5.1 above).

Local authorities obviously need to employ staff with the necessary specialism and expertise to help house owners to plan and manage change to their properties. There are clearly resource implications in this.

Q6.3 Should protection be applied during the period when listing is under consideration?

The IHBC strongly supports provisional protection while buildings are being considered for listing.

Provisional protection is necessary to avoid pre-emptive action, such as that that occurred with the Firestone Factory.

Building Preservation Notices would probably be made redundant by this proposal. However, if this provision is retained, BPNs should be able to be served by local authorities without any risk of compensation (bearing in mind that building owners are free to apply for certificates of immunity from listing where they require certainty that a building would not be listed).

It will be necessary to decide the point at which provisional protection would apply. The most logical trigger for provisional protection would be the announcement by English Heritage (or the DCMS) that a valid application for listing had been received.

Q7.1 Should there be a right of appeal? In what circumstances would a right of appeal be justified?

The IHBC supports the introduction of a right of appeal.

There should be a right of appeal against decisions on whether to list or not to list an item. Appeals would have to be considered by a third party. The Planning Inspectorate may be able to fulfil this role if the appeal is concerned purely with process and criteria. If the merit of the decision itself was to be considered, staff with appropriate conservation expertise would need to be employed to consider appeals. Such expertise could also be useful for planning appeals involving heritage and/or design issues.

There are clearly substantial resource implications in introducing such appeal rights. In addition, it should be appreciated that some developer's and investors may not welcome this additional stage of potential uncertainty and delay.

Q7.2 Should the suggested right of appeal apply just to owners or to other interested parties as well?

The IHBC would support rights of appeal for third parties.

As the aggrieved party would be just as likely to be concerned with failures to list as to decisions to add buildings to the list, it would be logical and consistent to give rights of appeal to all interested parties. Such rights should not be denied to amenity societies or community groups for example, where they put an item forward for listing. However, there would clearly be potential for vexatious appeals. Safeguards would be necessary.

Q8.1 What kind of consent regime will be most appropriate for a unified List? Should English Heritage seek to define individually at the time of listing what works will or will not require consent or should only generic rules be applied?

The IHBC supports the principle of a unified consent regime for all categories on the unified list. Definitions for each entry of what would require consent should be confined to generic advice, depending on the category of the item.

In merging consent regimes for listed buildings and scheduled ancient monuments, the listed building consent procedure perhaps offers the simpler and more user-orientated model for a new system.

The unification of consent regimes offers the opportunity to dispense with separate conservation area consents, perhaps bringing them into a new unified consent.

Guidance on the standards of application expected and the need to use qualified professionals to prepare plans and specifications should be produced.

Applications for the new unified listed building consent will need to be subjected to full consultations. In addition, it will need to be stressed to local authorities that applications should be dealt with by competent persons, to fulfil the requirements of heritage legislation and guidance. There is a need for capacity building within local authority management structures on the importance of employing sufficient specialist staff. Where special advice is not obtained, it needs to be emphasised that decisions could be open to legal challenge.

There are clearly resource implications for local authorities taking on responsibility for dealing with scheduled ancient monuments.

It would be impossible to attempt to define all works requiring and not requiring listed building consent for each building. Even with relatively straightforward assets, such an exercise would take a considerable amount of time and the entry on the list would run to several pages. More complex assets could require the input of several specialists to fulfil the task. For complex buildings, the text could run to tens or even hundreds of pages. Even if this exercise were carried out with considerable rigour, and extensive expert resources, it would be impossible to pre-empt every future eventuality and change. The documents would become horrendously complex, difficult to interpret and consequently open to constant legal challenge. Damaging works would be allowed due to numerous loopholes, even for very comprehensive list entries. In addition, it is impossible to assess at the time of listing the impacts of developments in other legislation and how they will affect potential changes of use. This proposal would add greatly to the complexity and cost of the system, would make legal challenges much more likely, would reduce certainty and increase scope for misinterpretation and would lead to a reduction of effective quality assurance.

Given the aims of the review – simplifying, openness, flexibility and rigour – attempting to define works needing consent on each list entry would appear to be extremely counter-productive. However, the IHBC would support the production of generic general guidance on the way in which the need for consent for listed buildings is determined. In addition, where damaging alterations have been undertaken in the past, the list description could make clear that proper and accurate reinstatement works would not require listed building consent.

There should be a statutory duty placed on local authorities to determine whether consent is needed for proposed works to a listed building, similar to Section 64 of the Town and Country Planning Act 1990.

8.2 *What generic arrangements would be suitable for historic areas?*

The IHBC strongly urges immediate inter-departmental action to reform Conservation Area procedures and protection. These are the greatest weakness

in the current protection provisions for historic places. Generic arrangements for all historic areas should include a reduction of permitted development, comparable with that achieved through Article 4 Directions.

The most pressing need for reform of heritage protection is in relation to area designations - Conservation Areas and Historic Parks and Gardens. It is therefore somewhat surprising that this issue is almost entirely neglected in the consultation document. As the reform of area designations will need action by both the DCMS and ODPM, the need for joined up Government is especially compelling.

Conservation Areas are failing for two primary reasons. Firstly, the Shimizu decision undermined the definition of demolition, creating potential for considerable damage to be inflicted on buildings in conservation areas. Fortunately, awareness of this potential is limited. But where there has been awareness of the weakness of conservation areas, damage has occurred.

Secondly, there is the issue of permitted development. Most conservation areas have weak controls and suffer from incremental damage to their character and appearance. This is due to permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995. These can be removed using the Article 4 procedure. However, often this does not occur due to limited resources and the over-complex and time consuming nature of the Article 4 procedure. IHBC members working in local authorities are constantly approached by members of the public who are concerned by what they consider to be harmful alterations to buildings in conservation areas. It is extremely difficult to explain the inconsistencies introduced by Article 4 Directions. It is also extremely surprising to members of the public that conservation areas offer such weak protection without additional Article 4 controls. The system is complex, time consuming and completely inaccessible to members of the public and indeed many professionals.

In view of the aims of the heritage protection review, there is a pressing need to make conservation areas simpler, more consistent, more open, and understandable. There is certainly a need for conservation area designations to introduce the kind of protection and quality assurance scrutiny expected by members of the public. The designation of a conservation area should remove certain kinds of permitted development as a matter of course, without the need for additional designations. A common sense approach is needed – typical works that cause damage include replacement of doors, windows, roof tiles, rendering or painting of walls, and demolition of chimneys.

These changes should not be dismissed as being the work of another department or of a separate review. They require a response in heritage legislation and a coordinated approach by both the DCMS and ODPM.

The Lichfield Report now published on the ODPM website notes the failings of the Article 4 approach, and suggests (executive summary paragraph 18) the alternative of a general restriction through the GPDO of the PD rights most often controlled by directions – with scope for relaxation through local development orders. This approach would provide simplicity and clarity for all concerned, while allowing flexibility where appropriate. If appropriately drafted, it could also be cross-referenced directly to the special consideration for historic buildings under the Building Regulations.

Inclusion of Historic Parks and Gardens on the national register is currently a relatively meaningless designation. Reform of this provision is required. Inclusion on the register

should introduce similar protection to that existing in conservation areas, (subject to the reforms referred to above).

Failure to address the current problems with historic areas would fundamentally undermine the usefulness and scope of the heritage protection review. The modernisation of historic area controls needs to be a priority.

Q9.1 How feasible are management agreements as an alternative to statutory consents and in what circumstances could they be most useful? What would be the essential components of such agreements?

The IHBC supports the pro-active management of historic assets. Management agreements have a role in some circumstances, but to augment rather than replace normal consent procedures.

The IHBC strongly supports the concept of pro-active management of historic buildings. Conservation professionals all around the UK are involved in pro-active management, particularly through bidding, project formulation, project management, and offering support and advice to the private and voluntary sectors of heritage regeneration.

Management agreements, conservation plans and other policies developed by owners in conjunction with local planning authorities provide a basis of shared understanding which informs decisions both on what will require consent, and on applications. Thus they are aimed to give clarity and certainty. In practice, they are likely to be developed for a limited proportion of listed buildings. They can never be a substitute for formal consent; instead, they provide an element of flexibility in managing the consent process and avoiding needless applications. If such agreements replaced consents, then they would merely introduce inconsistency, ambiguity and confusion, rather than adding to certainty.

It may be appropriate to introduce management agreements which are effectively a longer-term form of listed building consent for regularly recurring works. These could accommodate regular and reversible change. Such works would need to be properly defined within clear parameters.

It should be appreciated that management agreements are expensive and time consuming to produce. Therefore, whilst they can be helpful for some buildings, areas or archaeological sites, such as public housing estates, they are not suitable in the majority of cases. If such agreements are to become more widely used, this would have enormous resource implications for local authorities and building owners.

In practice, many owners welcome the access to local authority expertise and advice. A properly resourced design and conservation service is essential to offer proper support to owners.

Management agreements are especially appropriate as a means to ensuring best practice and protection of character for assets not properly protected under the current regimes. For example, they may be used in respect of historic parks and gardens as a way of developing and agreeing the management of natural assets, including planting schedules.

Q9.2 What safeguards are needed to ensure openness and rigour?

The IHBC considers that management agreements should supplement rather than replace normal statutory protection, in the interests of openness, rigour, fairness and consistency.

To ensure consistency, management agreements need to supplement existing legislation rather than be seen as an alternative to statutory consents. People like consistency, certainty and simplicity. If there are perceptions of inconsistency, this can undermine public confidence in the system. It can also lead to misunderstandings and confusion for other building owners. To have openness and rigour, agreements would have to be fully public, and subjected to rigorous consultation.

Q10 Should the Government provide for joint agreements covering the natural and historic environment (such as are now available under agri-environment schemes) to be recognised in statute as an alternative to consent requirements?

The IHBC supports the idea of joint agreements. However, these should not be seen as an alternative to statutory consents. Consistency is essential.

As stated above, the IHBC supports pro-active management. Joint agreements covering the natural and historic environments would be welcomed providing proper historic environment expertise was available to the operating authorities.

Such agreements should not be considered as an alternative to statutory consent regimes. If properly formulated, they could operate unimpeded under statutory controls. Consistency and simplicity should be the aim, not relaxation of protection. It should be remembered that statutory consents are essentially a means to quality assurance in the management of change. In addition, there are very few applications for listed building consent for alterations to farm buildings which remain in agricultural use. Applications relate mainly to changes to non-agricultural use, involving significant alterations to the fabric of buildings.

The historic environment in rural areas often *is* the landscape. It should not be seen as a separate thing from the natural environment. There would be considerable benefits in adapting historic environment designations to recognise landscape areas, perhaps through adaptation of the conservation area concept. This would assist in the management of change, involvement of communities, and targeting of grant aid to areas of greatest need and potential for heritage-led regeneration.

It is essential that the Government modernise its thinking by developing a high degree of awareness of the role the historic environment plays in facilitating rural revival. This is not only about tourism, important as this is to rural economies, but also in providing the basis for business development, residential provision, leisure, cultural and community facilities, and area regeneration. Unfortunately, the discussion document demonstrates little awareness of the contribution of both built heritage and historic landscapes in facilitating economic development and regeneration, especially in failing areas.

Q11 How can the national interest in protecting important archaeological sites best be reconciled with the needs of farmers?

The IHBC would emphasise that adequate resources are required to assist all owners of historic assets, including farmers.

Proper resourcing is essential to assist farmers, and other owners of land containing

archaeological sites, to properly maintain them. In addition, it is essential that owners have access to specialist advice at the local authority level (see comments on staffing).

The potential of historic sites to encourage leisure or cultural activities, facilitate education, assist in diversification and act as a catalyst for economic growth and development should be fully investigated and funding initiatives should be targeted accordingly.

Q12 What would be the most helpful ways within the new Entry Level and Higher Tier schemes of encouraging farmers to protect the historic environment?

The IHBC considers that proper resources are required and that these need to be administered through local authorities.

Fiscal incentives would obviously be helpful. These could be aimed at allowing skilled repairs, including wind and weatherproofing of traditional rural buildings. Such aid should be simple to access and not linked to finding new uses for the buildings – continued agricultural use, even low-grade storage, should be welcomed. Historic environment criteria should be incorporated into the funding criteria.

Resources for rural regeneration are currently concentrated in DEFRA. Unfortunately, this Department does not at present have sufficient access to historic environment professional skills for a comprehensive grant programme. It would be better to channel funds through local authorities, to assist rural regeneration initiatives at local level - as with other grant schemes such as Heritage Economic Regeneration Schemes (HERS). Buildings at risk should be a priority for funding.

Q13 What planning guidance on protection of the local historic environment would be of most value to local residents, authorities and developers?

The IHBC would encourage planning guidance at national level to include an expanded Annex C (PPG15) and guidance on historic environment policies in local plans and strategies. At local level, useful guidance includes conservation area character appraisals, conservation plans and good advice for applicants.

Annex C of PPG15 should be expanded in the new PPS. All conservation areas should have character appraisal documents. Entries on buildings of local interest lists should be accompanied by a brief explanation of why each building is considered to warrant inclusion. Conservation plans are useful for major sites, and often essential for obtaining heritage funding.

Local Authority web sites should be expanded to include as much information as possible, such as local lists, good practice in preparing and submitting applications, etc. Advice should be produced on selecting professionals to produce plans and applications.

Guidance should be produced to ensure that Community and Cultural strategies and Planning Frameworks include robust policies for the historic environment. Guidance would be useful on reconciling cultural, community, environmental, economic and other factors. Reconciling the historic environment and access also requires guidance (current guidance requires amendment to provide balance, to address change of use issues, and to ensure that Part M reflects historic environment concerns).

Government guidance should be aimed at development control and building control

services, on implementing a development team approach for the historic environment.

British Standard BS 7913:1998 *A guide to the principles of the conservation of historic buildings* should be rewritten to relate to the whole historic environment and made widely available as national SPG, at a reasonable price.

Q14 *What would be the most productive way of encouraging local authorities to undertake conservation area appraisals? What might be done to encourage them to set out bolder policies for enhancing rather than just preserving their conservation areas?*

The IHBC would emphasise the key importance of improved resources to allow conservation area appraisals to be undertaken and facilitate expansion of pro-active enhancement activities.

More resources are required to allow conservation area appraisals to be undertaken and to expand conservation team enhancement and regeneration functions through bidding, project formulation and management, and partnership initiatives. It is not realistic to expect appraisals to be produced for the backlog of conservation areas unless this activity is fully resourced.

Many conservation teams are involved in pro-active heritage initiatives for buildings and historic areas. Townscape Heritage Initiatives and Heritage Economic Regeneration Areas are examples of this. However, the project/bidding side of local authority activity is currently restricted in many local authorities due to lack of expert staff. Investment in heritage experts would not only lead to better decisions under the statutory consents procedures, but allow expansion of heritage-regeneration and other pro-active functions, creating conditions for attracting higher value investment and better quality jobs. This is simply sound economic thinking. Unless the Government can appreciate the role played by heritage regeneration in towns, cities and rural areas around Britain, opportunities for best practice in regeneration and economic development will continue to be missed.

There are numerous examples of heritage-led regeneration around the UK. Where urban renaissance has been achieved in previously failing areas, design and heritage-led regeneration are often key factors, triggering structural economic change. Developers often target historic buildings and areas as a basis for their schemes. Heritage experts in both the public and private sectors are often working at the cutting edge in developing new regeneration solutions and new approaches to facilitating economic growth. This is not recognised in the consultation document. It is essential that the Government radically modernise its thinking, based on study and understanding of successful recent regeneration practice.

Historic areas can often form the basis for action areas. Numerous historic areas and corridors around the UK have undergone social, economic and physical transformation in the past decade. There is similar potential in the next decade, providing the potential of this resource is fully appreciated and resources are targeted.

Comprehensive Performance Assessment and other Government performance indicators should recognise and promote conservation and regeneration as cross-cutting initiatives.

There should be a statutory requirement for new conservation area designations to be based on comprehensive character appraisals. English Heritage should update its guidance on character appraisals.

Q15 Should there be a mechanism for preventing demolition of locally listed buildings without consent? Should this be linked to development proposals? What safeguards would be needed to ensure the quality of local lists?

The IHBC supports the proposal to require consent for the demolition of locally listed buildings.

The existing Permitted Development rights to demolish should be removed and planning permission should be sought and approved before any building on a List of Buildings of Local Historic or Architectural Interest can be demolished. Planning permission for any replacement building should be the subject of a separate application (rather like current Conservation Area Consent/planning permission applications). The demolition of Locally Listed buildings can cause considerable loss and harm to the character, appearance and image of local areas. There should, therefore, be a presumption against demolition akin to that for buildings that make a positive contribution to the character of conservation areas. Where, however, the quality of the proposed replacement is of sufficient merit, that presumption may be set aside. It may also be beneficial for the condition of locally listed buildings to be taken into account when considering applications for demolition.

Notwithstanding the above the IHBC believes there is a very strong case that demolition is an engineering operation and should require planning permission irrespective of any designation.

Despite the importance of local heritage, and the considerable public support for it many local authorities do not at present have a 'local list'. The production of such lists should be a requirement for all local authorities. Such lists can recognise built heritage that may not be of national importance but is nonetheless part of a cherished local scene of value to the local community. Criteria for inclusion on local lists need to be explicit and publicly agreed.

Q16 How could an effective sub-regional team be created? Should it be primarily about developing guidance and sharing best practice or about facilitating casework and providing support to local authorities? What would be the benefits and downsides?

The IHBC strongly supports the principle that conservation expertise should be readily accessible to local planning authorities, local communities, and their elected representatives. This is best achieved by staff located in these authorities.

There are already regional and sub-regional structures established in the heritage sector, primarily through the 14 IHBC regional branches and in English Heritage's regional teams. County teams also contribute to sub-regional provision in some areas, and are often responsible for maintaining Historic Buildings, Sites and Monuments Records.

New resources need to be focused primarily on local provision. Local authorities work at the 'coalface' of heritage protection and regeneration, and are most able to interact effectively with building owners and local communities. With responsibility for administering scheduled ancient monuments perhaps moving to local authorities, there would be a need to resource local expertise in this field.

Local authority specialist provision varies greatly, as identified in the recent Local

Authority Conservation Provision Study. The Government should make clear that strong local teams are essential to fulfilling statutory planning functions, and delivering effective heritage-led regeneration and community projects.

Paragraphs 74-76 draw wrong conclusions from the LACPS. Attempts to create pooled resources would not deal with the fundamental problem of *lack of resources*. The principal conservation resource has to be at local level, both in terms of providing a service to building owners and in developing key links with the other essential players in both regulatory and pro-active work. Isolating conservation expertise at sub-regional level would be disastrous. However there are specialist skills (e.g. structural engineers and property advisers experienced in conservation) whose provision at sub-regional level is needed to back up day-to-day conservation work. This should be within English Heritage regional teams.

There would be benefits in providing heritage and design expertise within the Regional Development Agencies. CABE is involved with the South East RDA, ensuring that design excellence is built into the regeneration and bidding process. This could easily be extended to involve English Heritage, ensuring best practice in heritage regeneration. All RDAs should be strongly encouraged to make sure they have access to specialist design and conservation advice. Given the key role of heritage and design in delivering urban renaissance and sustainable communities, it is essential to instill best practice in funding. Funding should only be provided for schemes that demonstrate excellence and best practice in design and conservation, ensuring maximum benefit and value for public money

Q17 What are the important skill gaps and what action would be most effective to bring about swift change?

A significant skill gap, and consequent threat to the historic environment, is due to the lack of training within the construction industry on repairs and alterations to traditional and vernacular buildings. This problem is compounded by the trend for works to be carried out without proper supervision and, notably, for architects to be engaged on a design-only basis, which in turn reflects clients' low aspirations and focus on perceived cheapness rather than value and quality. These problems are further compounded by the failure to provide for the specific needs of the historic environment in the Government's Training Framework and draft Skills Strategy, notably in the mismatch between the historic environment and the structure of Sector Skills Councils.

Providing the right National framework.

A "joined-up" Government approach is essential. The DCMS, ODPM, and DfES need to work together to promote the following:

Construction Industry Training – this should include 'Regional Centres of Vocational Excellence', focusing specifically on traditional and vernacular building skills in their areas, and providing both intensive (for specialists) and shorter courses (for general builders and trades), supported by general building qualifications with a **mandatory** traditional/conservation component. Also, there should be 'Modern Apprenticeships' and other access to "live" project experience for trainees at white, grey, and blue collar levels.

Changing Private Sector Quality Aspirations and Delivery - Repairs and alterations to the historic environment need just as much emphasis on quality as CABE has

provided for new work. Clients', prospective clients', and manufacturers' aspirations need to be raised, in terms of both outcome quality and the means to achieve it. The problems arising from failure to engage design professionals to supervise and resolve on-site problems extend far beyond those addressed by CABE in its current "Protecting Design Quality in Planning" consultation.

There is scope for awakening and developing owners', professionals, and contractors' awareness of conservation through local training events and life-long learning. Further development of such activity depends on proper recognition and resourcing of proactive conservation work at local authority level.

Raising aspirations (as suggested above) can only be achieved if clients' attitudes are changed; such aspirations can only be delivered if the means are available. Even when clients are keen to do "the right thing", there is very limited availability of appropriate skills and of products designed for the historic environment. In practice (and as can be amply demonstrated by examples), availability of suitable skills and products will only be increased if the private sector is compelled to provide them. Raising aspirations, and quality of outcomes, within the private sector, depends on **effective regulation** to stimulate the availability of appropriate skills and products. Effective regulation needs to be combined with problem-solving advice to help clients and professionals in both the briefing process and resolving subsequent problems.

The Government's Draft Skills Strategy, Sector Skills Councils, and Occupational Standards – There is a need to resolve the mismatch in sectors. Archaeology has received direct support from CHNTO in developing National Occupational Standards, but Building Conservation forms a small part of the Construction Skills Council's remit, with Crafts and Trades under the aegis of the CITB and no formal voice as yet for professional conservation (although the "Edinburgh Group" of professions has the potential to provide this); other works affecting the Historic Environment fall into other Sector Skills Councils. The DCMS, ODPM and DfES need to create, with the utmost urgency, a cross-sector body to provide formal recognition and development, within the Sector Skills Council structure, of the skills needed for the Historic Environment.

Structural issues also need to be resolved. The Sector Skills Council structure relies on a partnership between employers defining standards, and trade unions. The historic environment, with its specialist groups within both public and private sectors, does not fit this pattern; the private sector groups are too small to register in terms of Sector Skills Councils, and it would be inappropriate for the public sector element to be considered, as the Sector Skills Council structure might suggest, as generic "regulators" rather than as specialist professionals. DCMS and ODPM need to take urgent action, in conjunction with DfES, to ensure that coherent consideration is given, within the Government's emerging Skills Strategy, to the needs of the Historic Environment.

National Occupational Standards need to be developed and promoted in conjunction with the professions involved, and in full awareness that public sector employers have not yet given proper recognition to the Historic Environment. DCMS and ODPM should take the lead in promoting National Occupational Standards for the Historic Environment, building on the existing NVQ standards, the "Edinburgh Group" Accreditation Framework, and current work on key performance indicators.

Providing resources and skills "on the ground"

The Public Sector – There is a lack of resources, as highlighted by the Local Authority Conservation Provision Study. The IHBC would strongly encourage additional resources to expand the provision of local expertise.

The Local Authority Conservation Provision Study identified that skill levels were very high in many parts of the Country, but that provision was not uniform. Some local authorities do not currently maintain the proper level of expert staffing to fulfil their statutory planning duties and economic development functions with the desirable and necessary rigour. The problem is often a lack of understanding by decision makers on what they are being asked to make decisions on. The IHBC would urge the Government to produce clear guidance on the expected level of specialist staffing for local authorities. This should include local expertise in archaeology.

The central issue is clearly one of resources, to ensure that a uniformly high level of provision is created and maintained in all regions and localities. Additional resources would create benefits both in statutory protection (quality assurance) and in pro-active promotion, education, enhancement and regeneration activities. The consultation document shows scant appreciation of the role the built heritage plays in economic development, attracting higher level investment, triggering urban and economic regeneration, and creating sustainable communities. A proper appreciation of the role played by the built heritage in the delivery of urban renaissance clearly highlights the need for a higher priority in the allocation of resources.

The Local Authority Conservation Provision Survey highlighted the difficulties being experienced by conservation officers in delivering existing tasks, both on the statutory and pro-active sides. Resources need to be committed to monitoring, quality assurance and enforcement. Obviously, there is no scope for taking on additional work loads without expansion of conservation teams.

Skills gaps are also a problem in regional development agencies, as discussed above, and also in other national funding bodies. Proper provision of heritage and design expertise would introduce better quality assurance into the funding and regeneration process, helping to deliver better value for money. However, it would appear that incorporating such advice is often the exception rather than the normal way of doing things.

Building control, environmental health, fire, access, and other council officers need to understand that historic buildings are different and alternative approaches are necessary, together with a willingness to be flexible. It is particularly vital that private sector deliverers of building control services (Approved Inspectors, and Licensed Installers such as FENSA for windows) are aware not only of the nature of historic buildings, but also of the potential for special consideration for them under the Building Regulations (e.g. Part L).

Highway engineers need training in urban design, with an emphasis on the quality of the public realm.

The Private Sector - Capacity building is also needed in the private development and property sectors. In the experience of many IHBC members, problems with the planning and heritage protection consent systems arise often as a result of the failure of clients to appoint professionals with the necessary expertise. This forces local authorities to attempt to negotiate with agents or professional teams who are incapable of delivering work to the required standard. Where skilled and experienced professional teams are employed, the passage through the planning process is relatively smooth.

Delays and conflict can be avoided if the developer is made to appreciate the importance of not cutting corners in the selection of professional teams.

The lack of historic building skills among mortgage surveyors has been a particularly harmful, because it has frequently led to damaging works being required (often from reluctant owners), where a more benign alternative could have been chosen, and sometimes a more informed surveyor might have realised that no works were needed.

General skills deficits - General skills deficits across the whole conservation sector (public, private and voluntary) include the economics of conservation, design briefing and constructive criticism (both architectural and urban design), mediating and people skills, project management, and heritage regeneration funding.

Skills needed to deliver quality outcomes include: Design quality / implementation / site supervision / quality assurance / monitoring.

Deficits in both the public and private sectors include:

- Owners /clients failing to appoint appropriately skilled professionals;
- Lack of professionals (architects, surveyors, etc) with expertise / experience in conservation work;
- Professionals being engaged on a design only basis, and not retained after consent is granted;
- Lack of appropriately skilled crafts / trades – particularly in vernacular construction and repair techniques;
- General lack of specialists (structural, services, IT/telecommunications engineers, security and safety specialists, fire officers, etc) with understanding of historic buildings – making it particularly important to maintain a resource for advising on best practice through English Heritage regional offices;
- Lack of resources (and lack of recognition of need by ODPM) for effective post-consent follow-up and monitoring of consents, resolution of problems, enforcement, and other activities essential for proper quality assurance during implementation.

There should be a definition of what constitutes a ‘competent person’ able to take / recommend decisions.

In respect of skills shortages, there are therefore 5 key actions needed to achieve improvement:

- ***Historic Environment Services should be placed on a statutory footing, to set National Standards and with proper resourcing.***
- ***All planning authorities should be enabled to require skilled supervision of works, by condition, and required to carry out quality assurance based on outcomes.***
- ***Overarching guidance should be provided to all regulators to ensure that Historic Environment interests are given full consideration.***
- ***The Construction Industry should provide mandatory training in repairs and maintenance of vernacular and traditional buildings.***
- ***The Government’s Skills Strategy should make specific provision for the needs of the Historic Environment.***

Response to Regulatory Impact Assessment

Making overt the reasons for listing and stating precisely what structures are covered

Much of the information explaining the reason for listing has to be produced for internal purposes at present. Additional costs would be limited to additional paperwork for owners. There would be substantial resource implications in dealing with the back log of existing buildings.

As stated above, the IHBC does not think it would be feasible to define what needs consent. However, if this is attempted it will have huge time and resource implications for the listing process. In addition, additional legal fees may be incurred where descriptions are challenged or there is disagreement over interpretation. The costs associated with this could easily spiral out of control.

Transparency and openness – the suggestions for making it public that a site or building is under consideration for listing and protecting it during that period

There will be some resource implications in informing people (postage costs, etc) and time implications in considering representations. The introduction of appeals could have much greater time and cost implications for both Government and owners.

Making consent procedures more flexible to suit each case

Taking economic and physical considerations into account would have huge time and resource implications for the listing process, both for the listing body and building owners. The inconsistencies introduced by such as system would lead to more legal challenges, again with cost implications for both Government and owners.

The costs to local authorities of taking on scheduled monument consent

Additional expert staffing would be required, especially for local authority areas with large concentrations of scheduled ancient monuments.

Promoting management agreements as an alternative to the consents process

The wider use of management agreements would have large financial and time implications for both local authorities and building owners.

Promoting joint agreements to cover the natural and historic environment

These would only be viable if proper fiscal incentives were provided.

Clearer guidance in Regional Spatial Strategies and Local Development Frameworks about policies and plans for protecting the historic environment

These would assist local planning authorities and help create more certainty. This is resource neutral.

Encouraging local authorities to carry out appraisals of their conservation areas

There are very substantial resource implications for producing character appraisals for all conservation areas. However, as identified above, there is a pressing need for additional

specialist conservation staff and real benefits for improving the speed and quality of decision making, and adopting a more pro-active approach to delivering heritage regeneration. This should therefore be a priority for additional resources.

Creating new sub-regional teams to strengthen local authority capacity.

Additional resources would clearly be required to recruit additional regional staff. As stated above, the IHBC considers that the priority should be on expanding local capacity. However, specialist staff to advise RDAs would be an effective use of resources.