



THE INSTITUTE OF HISTORIC BUILDING CONSERVATION

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11 May 2007

Sent by e-mail

Dear Sally

Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment Consultation

The Institute of Historic Building Conservation (IHBC) is the professional body or 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 respond to the second stage consultation on English Heritage's *Conservation Principles, Policies and Guidance* and warmly welcomes the introduction of this document. The IHBC is particularly happy that the *Conservation Principles, Policies and Guidance*:

- recognise that the holistic considerations of the conservation process, in all its complexity, lies at heart of historic environment management and the associated decision-making procedures (see our 'Guidelines for

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Applicants' linked from our home page on www.ihbc.org.uk).

- respond to the need to open the conservation process to a wider audience – both professional and lay - through the examination of its decision-making
- address so many of the concerns raised by IHBC in its comments on the first draft – *e.g.* equalising values of cultural and natural environments (glossary); the importance of enhancement (Concepts and Terms); responding to rights and interests of owners as primary guardians of the historic environment (1.4); proportionality of investigation and record in conservation (5.2 & 6.2) *etc*
- clarify the 'high-end' of the principles explored in the first draft with strategic guidance for designation (understanding and assessing) and management (policies and guidance). While we recognise that this was always intended, in their absence in the first draft it was easy to misinterpret the concepts there. As noted below, this draft has a much better balance between the specific and the general.

Issues: Over-arching and Immediate

There are, however, some core issues – most inter-related - that remain to be addressed or, if to be resolved through application or case study, at least recognised. As the overarching application of the issues overlaps with the last two formal questions of the consultation, we have elected to respond to these issues in the context of the questions at this point.

Over-arching Issues - Question 13: Are there any key issues that should be addressed as Policies and Guidance that are not included in the consultation draft?:

The outstanding issues identified are:

1. While we recognise that these Conservation Principles are primarily for internal application, we would have hoped that the prospect of their wider application could have been perceived at the earliest stage of their development. A **wider engagement with the sector** on the issues used to underpin their development would have helped produce a more inclusive support. Perhaps their wider application might be promoted through a strategic examination of their potential outside English Heritage. The IHBC would be happy to engage in discussions on such a strategy.
2. The institute considers that there must be significant **additional recognition of the capacity of conservation and the historic environment to support the natural environment, in particular as regards its physical character** (e.g. embodied energy; life cycle values and capacity to reduce waste).

One of the key justifications for conservation in government is its role sustainable development. However the 'value'-based processes underpinning the principle give little scope for evaluating conservation issues though the benefits it brings to the natural environment. The Conservation Principles will miss an important opportunity if they do not recognise that conservation strategies also represent some of the most environmentally beneficial management strategies that society can adopt in place-making and place-shaping.

Of course, we recognise that the tools for managing the historic environment are not, on their own, the best strategy for managing sustainable development. However, we do not think ignoring the physical values is appropriate. The conservation process does require recognition of these variables within the decision-making. The IHBC is building an evidence base to underpin these considerations.

We do not think that such recognition would undermine the cultural focus that the principles clearly represent. Instead, it would provide an opportunity for government to acknowledge the wider physical value of conservation and the built environment, and would recognise what is increasingly an important variable in the decision-making processes that are used to manage our places.

Consequently, the IHBC recommends that an overarching statement of the wider value of conservation strategies to the physical environment should be incorporated within the principles, perhaps as an over-arching statement, or perhaps as a principle in its own right.

3. Allied to this, there is **insufficient recognition of what may be described as the 'utility' value of heritage**, a consideration that lies at the heart of the interests that many conservation professionals outside English Heritage are obliged to recognise as a very central concern in decision-making.

The **emphasis on value appears to be primarily about cultural and educational value. There must be more structured recognition of the utility value of heritage - mixed use, business development, reconciling economy, community, environment, etc.** Throughout, the term value is used in a very specific way. The document would be much stronger if it also considered value in utilitarian terms. Thus in 4 change is not only inevitable, but often desirable - change created the places we cherish - and the duty of conservation management can be to promote change as much as 'control' it. This is not effectively represented in the sub-principles.

Indeed we would disagree with the stated "principle underlying conservation-based economic regeneration" referred to in para 3. In areas of market failure, historic buildings can be derelict and of low monetary value. Regeneration is triggered by attracting regeneration funding and recognition of the potential of the place, not by impact on the value of other property, which can be negative.

In a similar vein, we would interpret design value differently to that described in para 19. Design value not just aesthetic. It can relate to urban design characteristics such as variety, pedestrian permeability, legibility, *etc.* These are more about utility, and there is a consequent need to differentiate between aesthetic heritage value and current urban design value. They broaden the terms of the 'heritage values', but they are recognized as a formal consideration in the ordinary decision-processes of a conservation officer. Again, the discussion of 'social value' in para 28 covers historical perspectives, but a conservation professional must also be able to encompass and address the promotion of current social values, such as retail choice and diversity.

Recognising (and encouraging) English Heritage's interest in integrating its decision-making with the practicalities of conservation management beyond the cultural sector, we would especially recommend further cross-reference to the British Standard in conservation, BS 7913. It has a much-respected relevance and applicability to the practical issues faced by conservation officers as part of their everyday management of historic places in the planning system. We accept that such specific detail may be intended to appear as a part of the supporting guidance and standards – including our own – but unless that practical perspective is formally represented and recognised in the 'high end' of principles that this documents looks to represent, it will not be possible to introduce these considerations effectively at the other end.

Given the particular standing of a British Standard across professional use, and as the formal status of the current conservation standard today is not clear, we would see every value English Heritage encouraging an updated standard to be produced in concert with the Conservation Principles.

4. In addition, a formal consideration of the link between the value systems explored here and current practice as it is supported by statute. **For example, more than a passing reference is needed to the links between 'value' and 'character', and 'sustain' and 'enhance'.**

We consider this to be of such importance to the practical application of the principles that conclusions and recommendations should depend on legal advice. However, as in HPR in general and the current White Paper, there is an urgent need for more specific information on the overlap between the current and projected statutory frameworks. Unless practitioners can be confident that the Planning Inspectorate can integrate the application of these principles into statutory framework for the management of the historic environment, their value will remain peripheral.

5. Finally, **informed and expert value judgements underpin the entire strategy** of the application of the Conservation Principles. Consequently, **more emphasis should be given to the need for**

appropriately skilled conservation advisers, as professionals who take responsibility for integrating the complex balance of issues in support of the historic environment.

The document should provide **more explicit recognition of the inter-connections between the values and the decision processes**, in particular at the opening of sections of the document. Neither principles nor guidance exist on their own, and the professional must find an informed, conscientious, and accessible balance between these issues. Clearly, of the utmost importance is the need to emphasise the importance of a high standard of professional and ethical balance in the process.

It goes without saying that the holistic consideration of conservation issues represented by the IHBC membership criteria – our competences and their corresponding areas of competence – provide the most appropriate professional framework for decision-making in historic environment conservation. Balanced with this, our constitutional and charitable focus on the interests of the historic environment over any single professional interest, provide the most appropriate ethical framework. (see our draft Corporate Business Plan 2007-2010, linked from our home page cited above).

The holistic range of skills, knowledge and understanding underpinning IHBC membership provides the only suitable professional framework for securing standards across the range of issues conservation advice and decisions need to accommodate. The fact that many of our members, as professionals skilled in specific disciplines in their own right, also make decisions regarding their own role in the process, reinforces further the capacity of IHBC membership standards to reflect the conservation principles.

Immediate Issues - Question 14: Should the final version of the Principles, Policies and Guidance have illustrated examples, or are these better reserved for subsequent, more detailed guidance on specific applications of the Principles, Policies and Guidance?

The IHBC considers that the following matters should be addressed in the context of the production of next version of the Principles:

1. **Further formal clarification on the context of the guidance is required**, in particular regarding the application of the principles and the document. The IHBC presumes that the document is to be treated as a working tool that will evolve and respond to circumstances – always having conservation as its priority. However this needs to be clarified in the final/next version, and further guidance provided on how it should be applied (e.g. as a decision-making tool within English Heritage).
2. The **language of much of the principles remains too abstract**

for many users. Some work can be done on a re-draft, but it is **important that the character of the current draft, as a presentation of principles, is not lost.** We consider that **the core problem of the language can be addressed through applied case studies,** as discussed further below.

3. In the **application** of the principles, the terms need further testing through specific case studies, both prior to publication to test the terms proposed, and as exemplars within the published version. In this context, **we do not think that illustrations should be used to clarify the principles or guidance, but that case studies should be used to explain the process** of balancing the different tensions that are inherent in historic environment conservation.

4. There are **specific additional issues** that should be addressed in the next phase. Clearly, the IHBC would be happy to advise in guiding this process. Outstanding issues include

- i. Semantics: It is unclear of the extent to which an artefact qualifies as 'place'
- ii. The additional documentation and processes including:
 - details of supporting and framing documentation, expected or anticipated
 - new processes that will need to be developed to clarify decision-making in particular areas
 - qualifications to terms and guidance
 - specification of expectations in professional operations

5. A number of the questions ask whether points or issues have been omitted. It also asks in Question 14 about the use of illustrations and the relationship to further guidance.

The IHBC recognises the difficulty of including all possible issues in the abstract lists developed here. Equally it considers that the use of illustrated examples for the principles and processes raised here could bring with it level of specific interpretation that can easily undermine the value of the principles as a tool to underpin general application. Consequently, the institute would strongly **encourage English Heritage to include illustrated case studies with the final document to indicate how the principles can be applied as tools in decision-making.**

In summary, we recommend that:

- 1 - **Test scenarios,** with critical case studies, to check criteria and processes.
- 2 - Use **select scenarios as case studies for publication**

in the final version to indicate the application of the principles and their supporting guidance.

3 – Ensure that the principles are prefaced with a **qualifier that they are a tool that is evolving through practice**, and that, substantial though they are, there is no guarantee that all the necessary considerations are, as yet, included

The Questions:

Question 1: Many responses to our initial consultation addressed the issue of the balance between public and private interests, particularly in designated places. Does Principle 1.4, and the commentary at, particularly, paragraphs 96-7 and 109, strike an equitable, appropriate balance?

Yes. Particularly significant is the recognition of the importance of tying legislation and policy to advice and assistance as the key to achieving an appropriate balance between public interest and private obligation. 1.4 should recognise that not only law and policy, but market intervention (through investments) is also one of the essential tools to be supported here (investment in the historic environment is not only justified through balancing a private interest, but as an act of conservation in its own right).

Question 2: Is our suggested 'family' of heritage values appropriate? If not, how should it be expanded or modified?

The 'family' appears to be appropriate as heritage values, subject to testing through case study, with the qualifications identified below. As noted above, the role of non-heritage values in the decision-making process must also be clarified.

The sub-classes of aesthetic values are over-complex for practical application – even if in detail we can appreciate the subtleties that are respected there. Therefore, while, as noted above, we consider that the arrangement must be qualified by the need for further testing in practice, we consider a simplified version of this to be a good and useful starting point for clarifying decision-making processes in conservation.

In addition, the valuing of a place primarily or exclusively for a single heritage value can affect the balance of final advice or decision, and it may be appropriate to recognise this. For example, a previously unknown archaeological site of no particular generic rarity can provide huge amounts of evidential value. As such, in conservation terms its destruction could satisfy the priorities explored in question 8 (intervention to increase knowledge). However, ordinary conservation principles would not condone the destruction of a mediocre piece of architecture with huge communal value based on the potential of the site to reveal a significant archaeological site below it. A more

explicit balance between these issues should be identified.

Question 3: In paragraphs 33-54, have we set out clearly the steps necessary to understand the values of a place and its significance? If not, what should be amended, or further explained?

These appear to cover the issues, again subject to testing.

Question 4: There are many definitions of conservation. We suggest, in Principle 4.2, that it includes recognising opportunities to reveal or reinforce the values of a place. Some insist that all deliberate change tends to be harmful, thus conservation demands limiting change to the minimum necessary to avoid loss of the place. Others have suggested that 'reinforce' be replaced by 'enhance', reflecting current legislation related to conservation areas, and that we should be seeking to create, rather than merely recognise, opportunities to reinforce or enhance. Have we got the balance right?

The IHBC considers that further qualification is needed here. It should be recognised that we know of no conservation professional that asserts that change, just because it is deliberate, is, by presumption, harmful. That is very different from the position that any conservation professional must adopt, that is that change must be managed to ensure that it respects what needs to be conserved.

First, change in a place does not always mean a compromise between damage and improvement, as is implied in the polarised positions underpinning the question. For example, a suitable building on a gap site with no archaeological remains will only improve the place through enhancement, even if it does change it. In contrast, any intervention into physical fabric that is (or is potentially) culturally significant, such as an archaeological deconstruction of a part of a building with no more object in mind than determining its past, necessarily brings with it some destruction of the potentially significant, and must be controlled as scrupulously as any speculative development. It is neither a question of less or more, but of what is most appropriate to conservation.

Second, 'revealing' or 'reinforcing' are part of the public values that do not necessarily have a correspondence for the private interest. Consequently such opportunities should, in principle, be attached to the public interests referred to in Principle 1.4, and typically be attached to public monies or profitable speculation.

Question 5: Do you agree that the continuation or reinstatement of appropriate routine management and maintenance is the foundation of conservation (paragraph 67)? If not, what correction, qualification

or further guidance is necessary?

Yes, in terms of securing a future for the conserved. However, the value of this position is likely to be undermined by semantic issues. Obviously, formal programmes that operate under the generic title of 'conservation' can require interventions that are very different from such routine processes, and would fall outside this definition. In addition, with respect to the environmental considerations highlighted in responses 2 and 3 to Question 13 above, routine operations typically can simply refer to best practice in management, and might not even necessarily be regarded formally as conservation, even if they do contribute to it. Stewardship would be a more appropriate term for the role described here.

Question 6: Do you agree that periodic renewal intended or inherent in the original design of a significant place is normally appropriate (paragraph 71)? If not, what correction, qualification or further guidance is necessary?

Yes, but care must be taken in the interpretation and application.

For example, the reference to 'recovering roofs' is, at best misleading, and at worst a mistake. While re-covering thatched roofs at the end of the life of the thatch is a part of the renewal process, for, say, slate roofs, re-laying of slates would be a very occasional part of a renewal process, but replacing them would not ordinarily be a recognised conservation practice. The distinction, which is crucial, is not recognised in the example.

Question 7: Do you agree that repair and adaptation intended to sustain the heritage values of a significant place is acceptable if all the criteria set out in paragraph 74 are met? If not, what correction, qualification or further guidance is necessary?

In general, yes, but again we would suggest testing these through practical case study.

In this context it would be appropriate to distinguish more formally between 'repair' and 'adaptation' decision-making processes, as these can involve significantly different priorities (in this context see also responses to Question 13). In particular, it may be appropriate to give more formal recognition to the capacity of good adaptation still to destroy heritage values, and for bad repair simply to, typically, damage them.

Question 8: Do you agree that intervention in significant places primarily to increase knowledge of the past should not involve material loss of their evidential value unless all the criteria set out in paragraph 81 are met? If not, what correction, qualification or further guidance is necessary?

In general no, but again we would suggest testing these through practical case study. The kind of academic investigation inferred here must be predicated on an inability to secure preservation *in situ*. Otherwise, it can be used to justify destruction of a valued place. We do not support the idea that an academic exercise for the expansion of knowledge should provide the excuse for destruction of valued place. Academic benefits, like social benefits, should only become a consideration where other factors are already leading to the destruction of an asset.

To set the issue in context, academic investigation should not possess any more presumption in its favour than new-build on a sensitive site. On this we can make useful reference to para 111: 'Subjective claims about the architectural merits of replacement buildings cannot justify the demolition of statutorily protected buildings'. Substitution of 'academic' for 'architectural' would not change the applicability of the guidance. Specifically, the deconstruction of Durham Cathedral could be justified on such grounds. In conservation advice, material loss can only be justified by wider conservation gains, not academic benefits.

However if we presume that the case refers specifically to the damage that can be wrought by destructive archaeological interventions into an archaeological site valued exclusively for its evidential value (should there be such a thing), then in the absence of other values to consider, that is a matter for academic interests, not conservation principles.

Question 9: Do you agree that restoration should be acceptable if all the criteria set out in paragraph 85 are met? What correction, qualification or further guidance is necessary?

In general probably, but again we would suggest testing these through practical case study.

In particular, consideration must be given to the damage to the environment. For example, reinstating period-style windows for unsympathetic recent windows might be justified aesthetically, but it might be difficult to justify it if the waste produced through the replacement process.

In addition, bullet 4 should identify the example as an example, rather than as an intrinsic part of restoration. The example given does not properly reflect the options available in decisions on restoration.

Question 10: Do you agree that new work and alteration should be acceptable if all the criteria set out in paragraph 95 are met? If not, what correction, qualification or further guidance is necessary?

In general, yes, but again we would suggest testing these through practical case study.

In particular, we would consider giving a more formal qualification to the use

of the term 'fully' in the first bullet. Similarly, and in line with this, the investigation of evidential values, while formally qualified through the principles (e.g. 1.4 and 4.4), should be qualified further here. Specifically, reference should be made to terms of appropriate costs, prospective benefits, and, particularly where the future of a place is being secured with limited personal benefit, the capacity of the public interest to provide assistance to support that interest.

It is not appropriate to impose the financial burden of academic investigation (as opposed to investigation to secure the conservation work) on a private owner investing in the future of the heritage owned by them and where there is no significant commensurate gain on their part.

Question 11: Do you agree that proposed changes which would materially harm the heritage values of a place should be unacceptable unless the criteria set out in paragraph 102 are met? If not, what correction, qualification or further guidance is necessary?

In general, yes, but again we would suggest testing these through practical case study.

In particular, the first bullet point is ambiguous and, given the range of policy objectives, potentially undermines any protection system.

Furthermore, in making value judgements, more emphasis should be made on the skills sets appropriate to the professional making those judgements, in particular when the complex range of issues that underpin conservation are to be accommodated.

Question 12: Do you agree that enabling development should be unacceptable unless it meets all of the criteria originally established by English Heritage in 1999 and restated here in paragraph 112? If not, what correction, qualification or further guidance is necessary?

In general, yes, but again we would suggest testing these through practical case study.

In particular, we would observe that, with respect to bullet one, if there is not some material harm to heritage values from the development, it does not properly qualify as enabling development. The key issue is the balance between the harm and the benefit.

Question 13: Are there any key issues that should be addressed as Policies and Guidance that are not included in the consultation draft?

See the issues discussed above.

Question 14: Should the final version of the Principles, Policies and Guidance have illustrated examples, or are these better reserved for subsequent, more detailed guidance on specific applications of the Principles, Policies and Guidance?

See the issues discussed above.

I trust these comments are helpful.

Yours faithfully

Dr Seán O'Reilly, IHBC

Director

The Institute of Historic Building Conservation