



· INSTITUTE · OF · HISTORIC ·  
BUILDING · CONSERVATION

*Making Heritage Work*

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Dear Sirs

**CONSULTATION ON CHANGES TO THE CONTAMINATED LAND REGIME UNDER PART 2A OF THE ENVIRONMENTAL PROTECTION ACT 1990**

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.

Thank you for inviting us to participate in this consultation. We have responded in similar fashion to the parallel consultation in Wales.

The Institute supports the proposals set out in the consultation but would wish to see one minor amendment to the Guidance arising from **Question 16** and **Issue 9: Significant harm and SPOSH to non-human receptors**.

This relates to the "Property effects" set out in Table 2 of Annex A (and Annex A1 for Wales). The property effects in relation to "buildings" refers to:

- impacts that interfere with the use of the building;
- in the case of a Scheduled Monument (the term "ancient monument" has been superseded), impacts include those which impair the historic, architectural, traditional, artistic or archaeological interest of the monument.

The Institute would like to see this reference extended to include listed buildings. While many listed buildings are used and would be covered by the first reference, some are not and many have heritage value that goes beyond that implied merely by use. Therefore we think that listed buildings should also be covered in terms of the second reference.

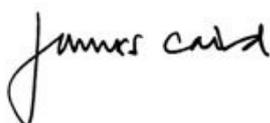
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We suggest the following amended wording to the second row of Table 2:

<p>Property in the form of buildings. For this purpose, "building" means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building, or buried services such as sewers, water pipes or electricity cables.</p>	<p>Structural failure, substantial damage or substantial interference with any right of occupation. The local authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended.</p> <p>In the case of a <b>Scheduled Monument or listed building</b>, substantial damage should also be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled <b>or the building listed</b>.</p> <p>In this Chapter, this description of significant harm is referred to as a "building effect".</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the pollutant linkage in question during the expected economic life of the building (or in the case of a <b>Scheduled Monument or listed building</b> the foreseeable future), taking into account relevant information for that type of pollutant linkage.</p>
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We should be grateful if this amendment could be incorporated.

Yours faithfully



James Caird  
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