



· INSTITUTE · OF · HISTORIC ·  
BUILDING · CONSERVATION

*Making Heritage Work*

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Dear Sirs

### **GOOD PRACTICE GUIDE FOR LOCAL LISTING**

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.

Generally we support the draft document which we think is clear and well-written. Obviously we cannot comment on the yet-to-be-written case studies but we would be happy to comment also on these when they are drafted.

We do, however, have some detailed comments on the draft document.

1. The second paragraph on page 1 deals with the nature of heritage assets. We think the wording of the last sentence is inadequate as it does not give the full flavour of the range of potential heritage assets that can be included. We think a footnote referring to the full range of heritage assets set out in PPS5 would be beneficial here.
2. The fourth paragraph on page 1 appropriately states that the process of compiling and managing local lists is for LPAs and their communities. We would not wish to see the validity of existing or future local lists being undermined by supposed non-conformity with the Guidance. Despite the obvious intention of this paragraph to avoid this occurring, we think it could be spelt out more assertively. We also think that the fact that LPAs are not obliged to compile local lists should also be clearly stated.
3. In paragraph 1.1, the box containing the PPS5 policy could be better connected to the text. At present it seems somewhat orphaned.

4. As the Court of Appeal has recently clarified that all demolition over 50m<sup>3</sup> is covered by the definition of development, this paragraph should, perhaps, refer to the required notification procedures.

5. We do not agree with the final sentence of the first paragraph of section 1.2. Absence of listing does not mean failure to meet the criteria, just as it operates for national designations. So although a structure is not on the list, it may well meet the criteria, but simply may not have been identified as doing so at the time of the listing.

6. The second paragraph of 1.3 is absolutely correct in identifying SPDs as the appropriate place for local lists to be effective as instruments of the planning system. However, it conveys the impression that the bulleted list are alternatives when, in fact, all three elements are likely to be required for effective policy.

7. The draft Guidance deals with the process of compiling local lists of heritage assets as if it will always be a discrete operation. We think it would be useful to point out in section 1.3 that there are several vehicles within the wider LDF process (AAPs, Neighbourhood Plans and Development Orders, Conservation Area Appraisals, Town Design Statements etc.) which might provide opportunities within which local lists could be drawn up. A reference to the objectives of the Localism Bill might also be beneficial.

8. In the first paragraph on page 6, we think the use of the word "boundary" is inappropriate. "Scope" would be better.

9. Section 2.1 identifies a number of documents where further advice is available. To be effective Guidance, the internet addresses of all of these sources should be clearly stated in the footnotes.

10. With a supplementary box, a case study and Table 1, this section seems a bit muddled. We should like to see the text be clearer in its references to these separate elements; and perhaps their order and position in the layout could follow a more intuitive pattern, particularly Table 1 which seems to us to be the most important single element.

11. The list of possible criteria for local listing in Table 1 covers many of the points contained in the glossary in Annex 2 of PPS5 but uses a completely different set of expressions. We think it would be more helpful for the PPS5 definitions of architectural and historic interest (now known as "significance") to be reiterated in the Table with further refinement through the descriptions in the draft adding to the range of possible criteria.

12. Having said that, it seems likely that PPS5 will eventually be subsumed into the proposed NPPF and all references to higher tier policy should perhaps be future-proofed against this by being spelt out in the Guidance.

13. Section 3 appropriately addresses the need for local communities (in their various guises) to contribute to the process and for geographic breakdowns to provide manageable units for study. What is not addressed is how this process might lead to inconsistencies of approach and content over the LPA's area as a whole and the need for some sort of overview to be maintained. If the desirable outcome of compliance with the requirements for SPD is to be met, the LPA needs to have a degree of control over the process. This ought to be sufficient to ensure that the lack of consistency that might give rise to challenges to the status of assets on the local list can be avoided.

14. It is essential that heritage assets on a local list should be contained in the HER. But in the first paragraph of 3.2.3 it states "In most cases the quality of research should meet the level required by the HER". It is not clear whether "should" means "must" (which we agree it should/must) or "ought to be sufficient to". Nevertheless the research standard required for a HER entry would not necessarily be sufficient to adequately inform a 'statement of significance'. Thus the reference to data standards in 3.2.4

might be the place to set this out more clearly. We think it more appropriate to set out the data standards required for local listing and then state that these would normally meet the standard for inclusion in the HER which should then follow as a matter of course.

15. The last paragraph on page 16 refers to assessment criteria. While we do not disagree with the statement we think perhaps it could be enlarged slightly as both the examples quoted could lead to assets being excluded on the technicality of the process. We think a weighted scoring system should be advocated in which both satisfaction of a strong single criterion and less strong compliance with a combination of appropriately weighted criteria would qualify.

16. While we endorse the use of selection panels in the process of preparing local lists, we are mindful that there should be no implication that resource-hungry procedures are a requirement. Otherwise some stretched LPAs might not undertake them at all. In line with our comment 2 above, we would prefer this section to be give as an example following a paragraph reiterating that the selection process is a matter for LPAs and their communities.


17. Paragraph 3.3.3 deals with the need for specialist advice "from time to time". We think the slant of the Guidance here is inappropriate. In our view the whole process should be carried out with the support of of suitably qualified people with more detailed input as required. This is not to diminish the potential of lay contributions but to ensure that there are no fundamental differences of view were the integrity of the local list to be tested at planning appeal through expert witnesses. It would be helpful if this paragraph could also point out (in line with paragraph 75 of the PPS5 Practice Guide) that "expert knowledge" can have aspects not always present in a single conservation professional.

18. We agree with the process set out in paragraph 3.3.6, in that owners must be allowed to express a view on the decisions being made. However, as the process is about the expression of community values and not those of ownership, it would be inappropriate for owners to be able to over-rule designation proposals. The use of the word "appeal" is perhaps thus inappropriate as it wrongly give the impression of an adversarial process in which community aspirations might be overturned by an owner's assertiveness. We would prefer the Guidance to refer merely to the consideration and/or reconsideration of the relevant evidence.

19. In paragraph 6 of this letter we supported the SPD process as the proper vehicle for embedding local lists in the development plan. It is essential, therefore, that the processes set out in paragraphs 3.4, 3.5 and 3.6 should be carried out in ways that conform to the statutory requirements for SPD. As drafted we think these paragraphs are a bit soft. Whilst HERs are essential repositories for local lists and other locations may be desirable for transparency and dissemination, these cannot be a substitute for compliance with statutory planning processes. These paragraphs need to make this clear.

As mentioned, we would be happy to contribute to any further development of this document the full publication of which we look forward to.

Yours faithfully

A handwritten signature in black ink that reads "James Caird". The signature is written in a cursive, slightly slanted style.

James Caird  
Consultant Consultations Co-ordinator