



· INSTITUTE · OF · HISTORIC ·
BUILDING · CONSERVATION

Making Heritage Work

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Dear Sirs

CONSULTATION ON HISTORIC ENVIRONMENT GOOD PRACTICE ADVICE IN PLANNING

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 broadly support the production of revised heritage advice for LPAs and applicants but we have both general concerns about the series as a whole, so far, and comments on the detail of the first 3 documents which are the subject of this consultation.

General points

1. Our first concern is that of format. The concept of splitting up unwieldy documents into topic areas is, in principle a good one. However, it has the disadvantage of requiring difficult decisions about the location of content which applies generally or the method for splitting and cross-referencing it. We feel that the current drafts are somewhat lacking in this respect. But the problem could, and should, be overcome by presenting the Guidance as a series of web pages cross-referenced by hyperlinks. This would allow relevant material to be accessed by users instantly according to their needs and would allow the addition of finer scale advice in the future. Given that the development industry and public administration are both conducted completely electronically, we think that perpetuating the paper document format of production is extremely short-sighted.
2. The Guidance needs, itself, to be clear about its exact scope, its relationship to the Guidance being replaced, the sequence of this (as, we assume, that not all old guidance will be withdrawn at once) and to the fact that other guidance exists on a

wide range of topics which should be referred to for more detail on the matters referred to in the new Guidance in general.

3. The general tone of the draft Guidance seems somewhat apologetic. It persists in portraying heritage as some sort of unfortunate hindrance to progress that somehow needs to be overcome by public process. We think the tone should be much more positive, portraying heritage as an enormous economic, social and cultural asset with the potential to add significant value to developments and contribute substantially to the NPPF objective of sustainability. This is done quite well in GPA1 paras 9-13 and this tone needs to be more pervasive.
4. There is no reference in the documents to the requirements of the statutory processes being advised upon. They should make clear what the duties of the LPA and decision maker are, using the correct terminology. It is necessary for both LPAs and applicants to understand these are the terms that are used in appeal inquiries where procedural and terminological exactness is required. The correct hierarchy should be:
 - the terms and requirements of the statutes; for example the requirements, in the terms used, of ss 66 and 72 P(LB&CA)A 1990.
 - the terms and requirements of the NPPF; it is this that is the primary guide to the implementation of the statutory planning functions.
 - any terms and guidance derived from other sources used to elucidate good practice. While these might include *Conservation Principles*, we applaud the general lack of references to this. The single exception (GPA2 para 3) should be rewritten in terms of the NPPF definition of significance which is the one decision-makers are bound to use.
5. The documents omit any reference at all to BS7913:2013, which is the standard Guidance in historic building conservation.
6. Bearing in mind the strong procedural relationship of the Guidance to the NPPF, we think that the Guidance should be more clearly related to it. We do not think that the title of GPA2 clearly states its role. The draft title implies decision-making in a less formal context than the strict regulatory context that should be implied. We suggest that the statutory planning regime should be referred to somehow in the title. We are not clear that we have the exact form of words but something like "Assessing significance in applications for consents under the Planning Acts" should be the general gist.
7. The relationship to the NPPF is mentioned but not fully exploited. Heritage and its environments and contexts have a sizeable role to play in the delivery of NPPF objectives of all kinds. The NPPF emphasises the need for positive planning across all disciplines and the new Guidance needs to emulate this.
8. The NPPF defines heritage asset - A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest - but the Guidance is largely couched in terms of buildings, monuments and sites. Care is needed to address this to ensure that wider areas of heritage significance are fully covered by the Guidance.
9. The drafts refer to the need for appropriately qualified advice (notably GPA2, paras 19-21) but imply that the requirement lies solely with the developer or applicant. It needs to be explicitly stated that appropriately qualified expertise is also a requirement for decision-making.

10. The section of GPA2 on 'Assessing the proposals' correctly addresses the need to consider the NPPF paragraph 133 tests but does not offer advice on how to handle the requirements of paragraph 134 where the harm is less than substantial.
11. There is a section in GPA2 on archaeological conditions but no corresponding section for heritage conditions of other sorts such as might attach to LB consents. This is a serious shortcoming.

Response to the consultation questions is.

1. Do you think the topics selected for publication as Good Practice and Technical Advice in Planning are the right ones? If not, please list any topics which you consider should be included.

Subject to our general proviso about format, we think the first 3 topics are appropriate. However they need to be rapidly followed by others. We suggest:

- Heritage enforcement.
- Buildings at Risk.
- Conservation areas.
- Enabling development.
- The scope and content of submissions for heritage consents

2. Does GPA 1 give sufficient information on sources of evidence to address the historic environment in drawing up a Local Plan? If not, please list any sources of evidence you consider are missing.

We make the point in our General point 2 above that the historic environment is influenced by many more factors than backward-looking matters of heritage significance. These include general social and economic issues relating to the historic environment in its present-day context. These more general studies should be highlighted as needing to address the historic environment in contexts where this is relevant.

3. Does GPA 1 give sufficient and proportionate information and advice on how to develop a positive strategy for the conservation and enjoyment of the historic environment for the Local Plan area? If not, please indicate how you consider it can be improved.

We think it largely succeeds in this objective although we think it could be couched in much more positive terms as we suggest in our General point 2 above.

4. Are the steps given in paragraph 9 of GPA 2 on the sources of information that might be consulted, or the exercises that might be carried out in assessing significance, useful? If not, please list any others which you consider might usefully be added?

The list includes very general references at items b. and f. which the well-versed might understand as including conservation area analyses, townscape studies, village design statements and other settlement related studies (including those not expected to be contained in HERs such as economic studies or town-centre health checks). However to the less astute these sorts of documents might not be thought of; so specific reference

to these would be helpful.

There is also a huge amount of published material; examples include *The Buildings of England*, RCHM studies, and, in the case of many heritage assets, local guides and/or books and academic studies.

5. Do you consider that the advice in GPA 2 which applies specifically to listed buildings, including paragraphs 12 on curtilage and paragraphs (25-29) on the recent changes to the listed building control system (under the ERR Act 2013) is helpful in managing change to these heritage assets? If not, please list any other factors which you consider could usefully be addressed.

We think these sections work quite well but we wish to see the imbalance we refer to in General point 8 addressed.

We have concerns about the general lack of explanation of terms. Much, for example, is made of proportionality in approach but no indication of what this might mean. Similarly there is no explanation of the term curtilage, which, given its statutory significance, is less than satisfactory.

We are not clear about the opening phrase of GPA2 para 27. We think that the paragraph should refer to a specific note that does do this or omit the first line altogether.

6. Do you consider that the paragraphs in GPA 2 which apply specifically to assets with archaeological interest, including those on Archaeological and Historic Interest (13-14), and Decision-taking for Assets with Archaeological Interest (30-31) and the archaeological conditions included at paragraph 37 provide proportionate advice on the protection of non-designated heritage assets with archaeological interest? ? If not, please list any other factors which you consider could usefully be addressed.

We are unhappy with these emphases on archaeology, not in the quality of the advice, with which we have no dissent, but in that there are many other areas of practice in heritage planning (and more connected with the scope and context of planning decisions) which do not enjoy this emphasis and thus seem sidelined. For example a section on the use of conditions generally would be opportune so maybe this aspect needs to be consolidated in an annex.

7 Would the planning conditions included at paragraph 37 of GPA 2 be sufficient to ensure an appropriate level of archaeological work while being flexible enough to allow development to proceed in a reasonable and timely way?

We like this formula. But we think this issue goes well beyond the limits of pure archaeology and could be used in the context of facilitating the development of heritage assets generally; for example, offering the scope for post-permission resolution of heritage significance which might not be discoverable before property is acquired and development commences such as significant fabric that is covered up.

8 Do you consider that the section on what makes development successful in its context (paragraph 58) covers the main matters in this regard? If not, please list any additional considerations you think should be included.

We think this list is quite good. It satisfactorily defines its terms...scale, height, massing etc...without referring to style.

9 Does the way that GPA 3 – The Setting of Heritage Assets – is set out give clear steps to aid the assessment of setting, bearing in mind that the main concepts relating to setting are now housed in the Government’s Planning Practice Guide (paragraph 18a-013)?

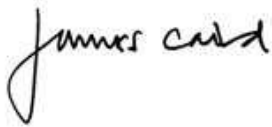
What the draft deals with it does so quite well. What is missing is adequate guidance on the delivery of sound contextual analysis of historic urban areas and the introduction of new development into the settings of individual and area heritage assets in them.

10 Have you any further comments to make on Good Practice Advice notes 1-3?

No.

We hope these comments are helpful.

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