



Historic England,  
Government Advice

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**Consultation on Draft Conservation Area Appraisal, Designation and Management: Historic England Advice Note 1**

Dear Sir or Madam

The Institute of Historic Building Conservation 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. We are very pleased to have the chance to comment on the consultation document.

The Institute's comments are as follows:

The Advice Note contextualises conservation areas in relation to the NPPF, Government Policy and Guidance. The organisation or sequencing of the document has changed and is more logical in the new draft document, starting with identification rather than designation whilst still providing for entry to this process at different stages eg. where a Conservation Area has already been designated but is being reviewed. The advice is more detailed (42 pages rather than 18), and includes material on community consultation, archaeological advice amongst other matters. The descriptive text indicates that the cross referencing to the NPPF will be more specific in the final version once the Consultation on the NPPF and PPG is complete.

IHBC have serious concerns about this document. We suggest that the guidance should be more fulsome and relevant. That the revised version fails to acknowledge that the character and appearance of conservation

areas derives primarily from 'townscape'. The document has also failed to recognise that successful management of change in conservation areas relies on design skill. Whilst policies in local plans and other guidance are useful, the critical ingredient for successful planning involvement in conservation areas is the availability of appropriate design skill on a case-by-case basis. Paragraphs 86-90 provide a very small increase on the minimal design content in the current document. Unless considerably more detailed reference is made to design considerations, the document will be of little practical use in day-to-day development management. Conservation areas have been at the forefront of proactive, regeneration-linked planning since their inception and they should be promoted properly as a leading tool for design-led positive planning. The document should stress the need for planning authorities to employ or have access to advisors with the appropriate skills.

The principle noted in the advice that evidence should be proportionate to the importance of the asset is somewhat true but if the appraisal is not detailed enough enforcement measures may be hampered or undermined. The obvious point that the strength of the enforcement measures possible depends entirely on the quality of the appraisal is possibly lost in this document.

The lack of mention of neighbourhood plans is a matter for real concern. It would be useful to see more recognition of community leadership in planning for heritage and direct intervention. One of the benefits of community involvement that could be more strongly articulated in the draft document is the identification of sense of place and other values which can be so important.

Assistance in demonstrating special interest and articulating character is very important and the references to model methodologies / toolkits etc. is useful. There is recognition of the economic value of conservation area designation which is positive. The draft is placed in context and at times referring to and dependent on the content provided within other documents or advice notes. This allows particular matters to be addressed separately and perhaps in more detail than is required for the purpose of this document so that point could be articulated.

### **Specific observations on the detail:**

IHBC has concerns about the omission of the phrase 'character and appearance' from some key sections. In the summary the document should say 'conserves and enhances character and appearance...'.

It is not necessary or sensible to provide a planning policy context in a character appraisal (para 4). National and local policies are prone to change. Appraisals should focus on the character and appearance of the area. A sound appraisal should last longer than current planning policies.

Given the slow progress in production of appraisals in many areas, appraisals are highly likely to last longer than policies.

Also in the Introduction (para 7) The definition of a conservation area (P(LB&CA) Act 1990, section 69) is incorrect because the document omits reference to 'character and appearance'. The document should make clear that conservation areas are about character and appearance and nothing else. It is suggested that HE should adhere more strictly to the legislation in this advice. In para 7, the document should make clear, the limitation of the section 72 duty to 'buildings or other land in a conservation area' and that the duty does not extend to proposals in the setting of a conservation area. The mandatory nature of Conservation Area requirements under the 1990 Act could be articulated more strongly.

Para 8 fails to note that section 72 of the P(LB&CA) Act 1990 applies to all planning activity, including plan-making and enforcement.

IHBC has concern at the way the document suggests that conservation areas bring powers to cover below-ground archaeology that is not visible. With regard to para 9, there is nothing in the legislation to support the claim that conservation area status provides 'clarification of archaeological potential, thereby assisting its protection'.

Para 10 - direct intervention is missing from the diagram. Also in relation to Para 10: further to the reasons given in the PPG as to their usefulness, regular reviews may also highlight areas where de-designation may be necessary through degradation of all or part of the conservation area ' Para 11 and 12 - Conservation area designation is undertaken in answer to the impact of development, neglect, and other threats, on areas which are considered to have special architectural or historic interest. 'This might read better if presented as a preventative conservation measure. Designation can take place for a myriad of reasons and this one given is quite negative. It is useful to emphasise also the positive reasons for designation and role of designation in underpinning direct interventions.

Para 13 - Management plans can/should also set out positive interventions (projects, etc.)

Para 19 - References to local communities should recognise the role of appraisals in informing community (neighbourhood) planning, projects and direct interventions; One of the benefits of community involvement that could be more strongly articulated in the draft document is the identification of sense of place and other values which can be so important.

Para 23 - the challenge in some areas is in attracting investment and development.

Para 28 - the term 'landscape development' is confusing and appears unrelated to the rest of the sentence.

Para 29 - neighbourhood forums and town/parish councils are sometimes commissioning appraisals as part of neighbourhood planning.

Para 35 and 57 - setting is described as part of special interest - legislation is special interest and setting - so legally non-compliant.

Paras 46 and 91 similarly suggest that below ground archaeological deposits make a contribution to the character and appearance of a conservation area. The references that suggest they can should be omitted.

Para 47 - reference to townscape would be helpful.

Para 50 -deals with positive contributions and the Table is helpful

Para 54 - not clear if open space includes urban spaces, like squares.

Paragraph 59 on 'setting' refers to the contribution that setting makes to significance. It would be preferable to refer to the language of statute and refer to the contribution to character and appearance of views into and out of the area. Parts of the setting of a conservation area that contribute directly to its character and appearance should be included within the designated area.

Para 81 - public meetings are an ineffective means of engaging - but recognise the problem is in the wording of the legislation.

Para 83 to 90 - no mention of neighbourhood planning, as part of the statutory development plan.

Para 97 - useful to mention the role of historic commercial and industrial areas in supporting enterprise and micro/small businesses.

IHBC recommends that the document be well-illustrated.

We hope these remarks are of assistance,

Yours faithfully,

Mona O'Rourke  
On behalf of IHBC.