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Dear Kate

**CONSULTATION:  
HEF HERITAGE PROTECTION REFORM PROPOSALS**

The Institute of Historic Building Conservation (IHBC) is the professional body for building conservation practitioners and historic environment experts working in England, Northern Ireland, Scotland and Wales, with connections to the Republic of Ireland. The Institute exists to establish, develop and maintain 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 which the Institute has welcomed for its imaginative and considered approach to potential change.

**Question 1:** *Do you have specific suggestions of measures of heritage and planning outcome quality that fit the criteria set in paragraphs 2.4-2.5 above?*

The IHBC has undertaken a number of studies in these areas to which specific reference could usefully be made in the current work. Our Caring for Places and People document (Post-consultation draft at [http://www.ihbc.org.uk/recent\\_papers/docs/IHBC\\_Consultation\\_Draft\\_-\\_Historic\\_Environment\\_Conservation\\_Skills\\_and\\_Services,\\_February\\_2008\\_\(MASTER\).v.2009%5B1%5D.pdf](http://www.ihbc.org.uk/recent_papers/docs/IHBC_Consultation_Draft_-_Historic_Environment_Conservation_Skills_and_Services,_February_2008_(MASTER).v.2009%5B1%5D.pdf)) lists a huge range number of such measures

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and indicators, while our work on LPA Skills offers an important framework of statutory, regulatory and related considerations (<http://www.ihbc.org.uk/skills/england/index.html>)

Much quantitative assessment such as speed of decision-making is not specific enough to deal with historic environment outcomes but even more heritage specific quantitative data needs to be accompanied by more qualitative detail.

Qualitative analysis would provide a more compelling argument for the protection of services, particularly when used in conjunction with existing quantitative data such as that on historic environment services collected by IHBC and ALGAO and new forms of quantitative data.

More imaginative and forceful ways need to be found of demonstrating statistically and in a way that all can appreciate the actual costs of poor decision-making and of not taking suitable professional advice.

Further measures should link and re-focus the historic environment with the wider aspects of local authority delivery and the wider benefits the historic environment can offer to delivering other targets and objectives such as carbon emissions, social housing, sustainability and employment.

Economic outcomes such buildings at risk reused and floorspace brought back into use are relevant to other areas and interests and have powerful cross-sectoral application.

Identifying Local Authorities without the 'appropriate expertise' required by applicants by NPPF clause 128. The measure should include whether Local Authorities have access to suitably accredited professionals (including full membership of the IHBC)

Customer satisfaction can be surveyed and results published but their relevance is determined by the questions asked and by who responds (i.e. responses from unsatisfied applicants are more common than those from people who are satisfied).

One of the issues that cause dissatisfaction is the inconsistency of conservation advice. Advice varies from LPA to LPA and can vary within an authority depending who one talks to – the conservation officer or the planning officer.

In order to help achieve greater consistency it may be helpful to form a 'team' so that lone conservation officers have a colleague(s) to

discuss cases with. If there is only one conservation officer in an authority it may be useful to establish a sub-regional grouping of CO's (possibly a virtual group) to help reach a consensus on similar cases.

**Question 2:** *How can HEPRG or other heritage sector initiatives work with other stakeholders to identify and implement improvements to LA planning processes, systems, and structures (see S3, S4)? Are you able to help in this process?*

Public awareness and partnerships are critical to success here, and much good work could be done by other lead sector bodies working with, developing and promoting key sector resources such as those in Question 1.

Whilst there is always room to improve, it is implicit in much of the discussion around the programme that there are a few core problems with regulatory and LA planning processes, systems, and structures that could not be resolved by the allocation of resources that, compared to the scale and structural importance of the development industry, are relatively small. This point needs to be recognised and re-affirmed more explicitly, or the impression is that the fundamental problem lies within the process rather than its resourcing.

The introduction of fees is a proposal that generates very strong views for and against. If fees were to be introduced they could help to provide the resources necessary if income from fees is linked exclusively to appropriate conservation provision. This established fee system works well for planning applications and building regulations applications without "unintended consequences". The costs of owning a Listed Building already require owners to employ qualified professionals, pay higher rates for craftsmanship and pay full VAT and so any suggestion of the introduction of fees should be very carefully considered.

The *ad hoc* introduction of fee charging pre-application procedures across the country has led to wide variations in pre-application fees, time allowances and subsequent validation requirements. One national system with standard fees could address these problems. LPA conservation advice from the same planning authority can differ depending on who offers it. As well as a national system of fees, a practice code needs to be devised and introduced so that pre-application advice is both given by the right person and binding.

If more local and market-driven arrangements were considered – which might more easily reflect the localist nature of much heritage

care – an effective quality assurance framework could make a substantial difference to service standards. Of course the IHBC, with its extensive experience in working in these areas, would be happy to contribute to relevant research developments there.

**Question 3a:** *Do you see the use of accredited professionals as paramount (see the issues in paragraph (vii) above), and if so how could that 'step-change' on both the demand and supply sides be achieved?*

Better outcomes would undoubtedly arise through ensuring that those involved have the necessary expertise. In the UK unlike many European countries, there is no requirement that any planning applications are submitted by a qualified professional. Consequently most planning and LBC applications received by LPAs are of a very low standard.

The emphasis on accreditation is perhaps less importance than ensuring people have the core professional disciplines/memberships to undertake the task. Accreditation is only useful as a guide to an individual's competence, not that of a company. As such, the vast majority of heritage consultancy of the sort discussed here is provided by companies and organisations employing a range of specialists. Some of these specialists will be accredited in conservation, but the company or organisation cannot be accredited in the same way. Indeed while archaeology offers corporate accreditation for archaeological practice, this has not operated in conservation in the UK due to substantial differences between the specialist operations. Experience of where such corporate conservation accreditation does operate, in Ireland, has not encouraged UK bodies to follow suit.

An independent register of accredited interests – whether individuals or firms - requires substantial additional layers of regulations and so probably would add considerable expense to processes that are already criticized for extra costs. Maintaining, checking and keeping up to date lists of appropriate people is a time-consuming process. For it to be successful, the list also has to be well presented, easy to use, freely available, and well marketed. Broadly, the cost per company may be considered comparable with the fees charged by most membership organisations. Since there is unlikely to be sufficient public funding for this, the professional – or client - would need to pay and as not all of them would be willing to pay, the final product is unlikely to be comprehensive.

LPAs could easily include in adopted guidance encouragement for applicants to use accredited conservation professionals. But if this

message came down through national guidance or policy LPAs would be more likely to give this advice. Many projects are led by contractors who promote their standard approach rather than choosing the best approach for the project and the client's budget. Owners of historic properties often consult LPAs and so it should be easy for LPAs to re-produce information about taking professional advice (such as that from the Historic England website <https://historicengland.org.uk/advice/your-home/looking-after-your-home/finding-specialist-help/>) to guide such queries

**Question 3b:** *Should the sector promote only those with formal historic environment accreditation, or should it also (either permanently, or as an interim measure) promote those without formal accreditation?*

Yes, in principle the sector should only promote accredited professionals.

It has been suggested the introduction of a tiered accreditation system approach might be useful, mirroring the type of tiers adopted by the RIBA with their different levels of accreditation. For instance those with high levels of accreditation (expert) could work independently on all historic buildings and those without the highest levels of accreditation could work on historic buildings under the guidance of an accredited professional at "expert" level.

Full membership of the IHBC should be included amongst those levels of accreditation deemed appropriate for work on historic buildings, and the IHBC is working towards such an outcome. The IHBC has a cross-sectoral and competence based professional membership based on rigorous criteria and is not confined to a single discipline.

No one person can be accredited in all aspects of conservation and ultimately it is up to the individual to recognise his or her limitations. Every conservation project is unique, and the right person for one project may be the wrong one for another. Accreditation can therefore give a false sense of security, and there is no substitute for checking whether the professional consultant is suitable for the project concerned.

**Question 3c:** *Can you think of further ways of incentivising and helping owners/ applicants to use heritage expertise?*

See the observations in Questions 1 and 2 above.

There would also need to be some incentive either financial or procedural. If there was a fee introduced for LBC applications then this could be reduced if the application has been prepared (or at least verified), by an accredited professional. Or alternatively fees increased if an accredited agent is not employed.

An enhanced national system for third party scrutiny of applications for consent, tied to lighter regulatory touch commensurate with the benefits of such oversight – and associated benefits to speed, quality and public interest in heritage - could offer benefits to all. It would have the added authority of building on current practice rather than relying on improvements in the single area, already widely known for the challenges it offers, of professional practice standards.

Alternatively, government targets for LPAs determining applications (i.e. the 8 week target), could be increased for those not using accredited professionals. The justification being that such applications invariably create more work for LPAs.

Guidance from those offering advice to the public (Citizens Advice Bureau, RTPI, RICS, Listed Property Owners Club, HTF, HHA, Local authorities etc) should be prevailed upon to emphasise the wisdom of using accredited professionals and the 'false economy' of not doing so.

The lists of accredited professionals need to be well presented and robustly promoted, targeting estate agents (most renovation work occurs in the months following the sale of a building), building contractors and non-specialist professionals, as well as the public.

**Question 4a:** *Do you support the proposals for further LBC advice in Chapter 6?*

All advice is welcome but there is already a plethora of advice available of which most people remain unaware

Since PPG15 was superseded and historic buildings became integrated in the advice with the wider sphere of heritage assets the advice has become so general as to be of little use especially to the non-specialist. So as there is more reliance on professional competence already, there is merit mainly in further very targeted advice.

The key point in the advice would be to make it clear when appropriate professional advice is a necessity. Above a certain basic level you cannot by advice create the knowledge required to submit an acceptable application as the scale of complexity outweighs the

benefits of generic advice. In that context this measure would be counter to the ethos proposed in Question 3a and Question 3b of requiring or encouraging the use of accredited professionals to maintain quality outcomes.

Consistency in advice concerning the need to apply for LBC would be useful. Some LPAs routinely ask for LBC applications for works that could be considered as repairs, or considered not to affect the special interest of the building (because similar applications were received previously and have set a precedent). Clear advice would be helpful in this regard. This highlights the advantage in using accredited professionals who are more likely to recognise when works do or do not affect character and, where necessary clarify with LPA before applying.

**Question 4b:** *What should be the format of this advice, and who should draft it, publish it, and endorse it?*

The guidance should be brief and easy to follow. Whilst something should be published in both leaflet form and online, an online flow diagram that walk an owner through the process can be good.

Guidance should be endorsed by Historic England and government departments to ensure it is given weight by Local Authorities if that is the required stance, while professional bodies such as the IHBC, and civic bodies such as Civic Voice, should be included as key stakeholders offering external quality assurance. If the aim is for the guidance to be softer and more user friendly then it may be appropriate for it to be published by an appropriate lead body or group.

The equivalent of PPG 15 Annex C may be useful to the non-specialist.

**Question 5a:** *Do you think that publishing more advice on the heritage content of D&ASs (i.e. proposal (a)) would be enough to achieve the 'step-change' in heritage information and analysis HEF is seeking? Or is an explicit requirement for a heritage statement/analysis (i.e. proposal (b)) more likely to achieve that?*

It is very unlikely that a) would work on its own. It should be both a requirement (b) and better advice could also be provided (a).

**Question 5b:** *If so, should the term used be heritage statement, heritage analysis, heritage impact analysis, heritage and design analysis, etc.?*

The actual terminology is less important than a consistent use of a single term. Heritage statements and Heritage Impact Statements are already well known. Heritage Impact Analysis is adding another term to an already long list.

One approach that has been successfully adopted is the following:

- Design & Access Statement Part 1 Heritage Statement
- Design & Access Statement Part 2 Policies Proposals and Assessment.

Part 1 being an entirely objective analysis of the building, and Part 2 including planning policies, the applicant's proposals and a Heritage Impact Assessment with the purpose set out in BS 7913:2013 Guide to the conservation of historic buildings.

If the term Design and Access Statement were to be dropped then the terms Heritage Statement and Heritage Impact Assessment could be adopted. This division recognises the Burra Charter view of a staged process - understanding the building, making proposals and assessment against the significance and values previously established. To be of any use these documents of course need to be undertaken by competent professionals.

**Question 5c:** *Do you think the replacement of a D&AS by a heritage analysis should also be applied to those conservation area and World Heritage Site applications which now require a D&AS, on the same 'one-in, one-out' basis?*

The poor quality of many current Design and Access Statements means that replacement with another name and another format might help to raise standards.

**Question 6a:** *Do you have any comments on this summary of the issues to be considered in drafting LBCOs (please focus comments on the principles and approach, rather than technicalities of repointing)?*

There may be some particular circumstances where LBCO's can be developed which will make the process of minor works clearer and easier but it will require certain caveats as every listed building is unique and requires specific advice, LBCOs would necessarily be very general.

Even the example given of a LBCO for lime pointing opens questions such as which pointing style is any is original to the building; something an owner may not know. Important historic pointing

styles or mortar composition may be lost through well meaning compliance with the LBCO.

Misinterpretations can cause innocent or deliberate evasion and inappropriate work.

**Question 6b:** *Do you have suggestions on accompanying advice?*

Advice should be written by experts with solid practical experience in the subject matter to ensure it is usable, realistic and accurate rather than theoretical. The IHBC may be able to assist with securing authors or authoring if required.

**Question 7a:** *To what extent (if at all) could the total time from logging/validating the D9 application to determination (usually eight weeks) be reduced?*

Recognising the diversity of practice and pressures across England's LPAs, it is very difficult to see how the 8-week timescale could be reduced without losing some essential quality check on the application process. Applications, even if produced by accredited experts, still need to validated and undergo public consultation officer site visits and if the local authority it still to have an involvement there may be possible negotiations and amendments to the application made if necessary. The time taken will be also be determined by the case officers workload, so it will ultimately be a resource problem, not a process problem.

Aside from the thrust of recommendation D9 more minor applications which have been subject to pre application advice and which are straightforward and delegated might be decided on a shorter timescale but these are unlikely to be a large proportion of the total number of applications.

The questions posed do not ask about the actual possibilities and views of the D9 proposal. The proposal is more likely to achieve wider acceptance than previous proposals to allow accredited experts to handle applications. The crucial test will be how the applications might then 'receive more predictable or quicker treatment than proposals drawn up without such expertise'. There has been suggestion previously that applications by accredited professionals should in effect be rubber-stamped by the local authority not allowing any meaningful local authority input. A process should be developed which gives applicants a procedural advantage to taking the right professional advice but which still allows local authority experts and democratic representatives to have a level of input and control. It is not appropriate for such proposals to bypass proper democratic consultation no matter who has drawn them up.

**Question 7b:** *HEPRG has not proposed any reduction in the timescale for consultation (usually 21 days from notification). Do you think there is scope to reduce this as well? Is the normal stage of formal validation by the LA still necessary?*

To reduce this short timescale would undesirably reduce the democratic process. The public, local and national amenity societies need this minimum turnaround time. Indeed consideration should be given to the benefits of extending it, as if the sector does not consider that perspective on quality assurance, government certainly will not.

**Question 8:** *Do you think it would be enough for the independent expert in D9 to be a current member of one of a specific list of conservation accreditation schemes/ bodies? Or do you think that the D9 'top-up' suggested in paragraphs 9.25 to 9.26 above is needed in addition?*

This depends on the detailed operations and standards of each accreditation system and their capacity for refinement in line with any final proposals. It should be emphasised that any adjustments to individual systems for the purposes of procedures in England would likely need to be implemented at UK level, because of the small scale of the sector. At the same time adding another layer of control over existing systems would, as noted, add costs and, if superior to current practices, necessarily restrict the market.

The IHBC has a cross-sectoral and competence based professional membership based on rigorous criteria and is not confined to a single discipline.

**Question 9:** *Which schemes/bodies/grades of membership should be on this list? Should the list be limited to wider conservation accreditations (like for example AABC, the RIBA Conservation Register, RICS Building Conservation Accreditation Scheme, or IHBC full membership)? Should it also cover narrower accreditations which are subsets of a historic environment discipline (like the Conservation Accreditation Register of Engineers (CARE))? Should it include wider/different historic environment accreditations (like CIIfA)?*

The only recognised conservation 'standard' operating across the UK's historic and built environment is that offered by the 1993 ICOMOS Guidelines for Education & Training. These map to statutory roles and duties, to international conservation principles, and to individual accreditation schemes. The IHBC – and, we believe, the wider

specialist sector – would object in the strongest possible terms to any proposals that would threaten or undermine the primacy of these guidelines in shaping practice standards and proportionate conservation outcomes. Where sector specific disciplines do not or cannot offer such accreditation, the IHBC offers its practitioners informed, structured and recognisable professional quality assurance and support, so there is no barrier to access to conservation accreditation arising from a practitioner's area of practice, and no reason to dilute conservation standards or undermine conservation practice by looking outside the ICOMOS Guidelines.

**Question 10:** *Can you suggest further ways of promoting take-up by owners, and by experts?*

The IHBC sees the serious lack of informed heritage and development understanding of built and historic environment conservation as one of the greatest barriers to promoting wider take-up, including not least the wide-spread, consistent and on-going failure of key sector players to acknowledge the value to cost-effective, quality conservation outcomes of specialist conservation skills, practice and professional support of the sort offered by the IHBC. Consequently, take up will be improved substantially only through a concerted, sector-wide effort by heritage and professional stakeholder bodies in particular to extend the appreciation and recognition of the actual skills, knowledge and experience attached to conservation practice, principles and standards.

**Question 11:** *Do you have any other suggestions for solutions or reforms which (importantly) would comply with HEPRG's three fundamental principles set out in Chapter 1, paragraph 1.3*

Promote IHBC membership - and/or its *pro bono* public focussed resources - as an accessible, credible cost-effective and recognised standard for conservation practice.

Require LPAs to implement NPPF clause 128 requirement for assessments i.e. Heritage Statements to be carried out by those with 'appropriate expertise'

Require or heavily incentivise applications to be undertaken by accredited professionals.

Remove the requirement for Design and Access Statements and instead require Heritage Statements and Heritage Impact Assessments undertaken by accredited professionals. The content of HSs and HIAs should be defined.

Consider dedicated regional or sub regional Conservation Review Panels, along the lines of Design Review Panels. They could consist of a panel of accredited professionals from the various institutes and the national amenity societies.

**Question 12:** *Do you have any general comments on these HEF proposals as a whole, and/or specific points which you have not already covered? (If your comments relate to specific parts of the proposals, please identify them with chapter or paragraph numbers).*

The group could look at the existing Permitted Development Rights for Listed Building owners. Fencing work and erection of outbuildings greater than 10 cubic metres requires planning permission at the moment. If this was dropped and instead normal Permitted Development rights applied it would help relieve some of the discrimination that some Listed Building owners feel and help get them on side?

Generally, initiatives that look at heritage as an isolated activity, rather than an integral part of planning, development and place making, are less effective. Any further developments of these ideas could benefit substantially from recognition of this integration.

We were delighted to take part in the discussion of these issues and hope these thoughts and comments are helpful in developing the outcomes of the consultation

Yours sincerely



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