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BUILDING · CONSERVATION

Making Heritage Work

Clerk to the Select Committee
National Policy for the Built Environment
Committee Office
House of Lords
London
SW1A 0PW

By e-mail

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Dear Sir/Madam

HOUSE OF LORDS SELECT COMMITTEE ON NATIONAL POLICY FOR THE BUILT ENVIRONMENT: CALL FOR EVIDENCE

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 submit evidence. Our submission exceeds your request for a maximum of 6 pages, so we commence with a summary of points referenced to our answers to the Questions.

Our recommended policy areas for attention are:

- An over-arching national development policy that applies to all Government departments and has clear and generally applicable principles. (Q1)
- Positive endorsement of the role of strategic planning. (Q1)
- Adoption of strategic planning at the city-region level. (Q1)
- Recognition of infrastructure as an investment that is often needed in advance of development. (Q1)
- Recognition of heritage as an asset rather than a burden. (Q1)
- A thorough review and simplification of planning regulations including re-regulation where simplicity is not possible. (Q1)

- Recognition of the cost-effectiveness of good and easily accessible guidance. (Q1)
- Consolidation of the planning legislation. (Q1)
- A statutory purpose for planning. (Q1)
- Moving responsibility for heritage to DCLG. (Q2)
- Bring NPPF heritage policy into line with statutory requirements. (Q3)
- Introduce a national, one-stop, on-line, seamless and tiered policy and guidance resource for all planning legislation, policy and guidance to a detailed level. (Q3)
- Not to prioritize policy in the NPPF. The weight to be given to the various policies must be a matter for circumstances on the ground. (Q3)
- Introduce a tiered national spatial strategy to rebalance the national economy. (Q4)
- Refine the local plan process with greater timescales for mainstream policy and shorter ones (perhaps annual) for development proposals (Q5)
- Plan for housing in terms of need not, as at present, in terms of what happens to be offered. (Q6)
- Revitalize the concept of place-making. (Q7)
- Capitalize on existing places of quality, heritage and character. (Q7)
- Expand the use of urban design as a technique. (Q7)
- Reinstate carefully measured carbon reduction programmes including the 0-carbon target. (Q7 and 13)
- Promote heritage as a tool of economic regeneration and sustainability. (Q8)
- Reinforce the place-making value of conservation areas. (Q8)
- Protect historic environments from casual damage by public authorities and utilities. (Q8)
- Improve skills in heritage, heritage craft trades and urban design. (Q9)
- Recognize that skills have to be applied and that the time needed to undertake design work of quality needs to be resourced. (Q9)
- Address low staffing in LPAs and give them resources to apply their skills properly. (Q9)
- Place-making is crucial but needs urban design skills. (Q10)
- A new body to replace CABE is urgently needed. (Q10)
- Urban design techniques to reduce adverse impacts and optimize results is a well-grounded area but needs resources for its application. (Q11)
- Communities need help to participate effectively and this needs resourcing. (Q12)
- Communities broad aspirations should be capable of simple formulation into SPD. (Q12)

- Set high standards for new development and require this to be funded at the expense of land value. (Q13)
- Pre-application advice should be free. It should be funded by raising planning application fees to cover the service. This would promote more use of pre-application advice and less abortive work by developers and planning authorities alike. (Q13)

Answers to the questions

Policymaking, integration and coordination

1. Are the decisions that shape England's built environment taken at the right administrative level? What role should national policymakers play in shaping our built environment, and how does this relate to the work and role of local authorities and their partners?

a) The fragmentation of the various aspects of economic, social and physical planning and infrastructure provisions between Government departments tends to result in each regarding one or more of the others as a problem rather than as a contributor to the public good, e.g.:

- The Treasury seems to regard planning as a brake on development.
- The DCLG seems to regard heritage as a inhibitor of good development rather than a contributor to it.
- The Government abolished the strategic processes for development planning without putting anything coherent in its place.
- The constant pressure for de-regulation generally leads to confusing regulation and outcomes of dubious value, especially for affected third parties. Supposed de-regulation which is hedged with necessary environmental and amenity provisos and conditions that need to be interpreted on a case-by-case basis does nothing to reduce workloads and instil confidence. De-regulation that gives freedom for individual developments can reduce the value of neighbouring property. Such is the makings of a downward spiral of environmental quality.
- The Government's withdrawal from policy Guidance has been very detrimental. It has resulted in increasing numbers of poorly informed planning decisions.

What is needed is over-arching national development policy that applies to all Government departments and has clear and generally applicable principles:

- Strategic planning an essential tool: it gives confidence, cuts waste and adds value. It should set out what is required to be delivered and not just be a method of selecting the least bad of any options that might currently be on offer. It should co-ordinate planning and non-planning issues such as transport and infrastructure.
- Strategic planning needs to be carried out at city-region level and involve all relevant arms of Government with appropriately delegated budgets.
- Infrastructure is public investment which is often needed in advance of development. The City Fathers of the C19 understood this and this is what made our cities great. We need to shift the concept of infrastructure planning away from being a cost and towards being an investment.

- Heritage is an asset. People like and enjoy it. It adds value to property and economies. Places with heritage are, by and large, more successful than places without.
- A review of regulations. Regulations like “permitted development” need to be simplified to what can be permitted in very clear circumstances with very few conditions. Where they cannot be there should be simplified requirements for consent.
- Policy guidance and best practice are useful and cost-effective. They stop practitioners constantly having to “reinvent the wheel” in what they do. The case for a structured framework of approved planning, environmental and heritage guidance (right down to very specialist levels) as a centrally maintained on-line national resource with page-to-page links is overwhelming. The current Planning Practice Guidance provides the framework but is not detailed enough to do this.

b) The planning legislation is a mess.

- It has been repeatedly modified in a piecemeal fashion such that it scarcely understood by practitioners let alone the public.
- The 1990 separation of the Listed Building legislation was a mistake. It made heritage considerations into an adjunct rather than a mainstream contributor to planning outcomes that it should be.
- This separation has given rise to widespread duplication of secondary legislation which is similar but different enough to be confusing.
- The Planning Acts still have no stated purpose. Clarity on this point would be of benefit to the whole process.

What is needed is a consolidation of the Planning Acts into a single Act with a stated purpose to:

- Unify the processes.
- Remove confusing Welsh measures.
- Emancipate heritage to be a contributor to planning processes.
- Allow a root-and-branch review of secondary legislation (Q1a).

2. How well is policy coordinated across those Government departments that have a role to play in matters such as housing, design, transport, infrastructure, sustainability and heritage? How could integration and coordination be improved?

In parallel with the reintegration of the planning and heritage legislation we think that responsibility for heritage should move back to the DCLG. In the DCMS it is detached from mainstream planning processes but does not benefit from the special attention one might suppose as the DCMS is so strongly focussed on media and sport. In the DCLG heritage would become a mainstream function, which it deserves to be.

We do not advocate any detailed changes to Historic England which, it seems to us, could function more effectively within DCLG than in DCMS

A wider understanding in the positive economic role heritage can play might be fostered with an inter-departmental committee.

National policy for planning and the built environment

3. Does the National Planning Policy Framework (NPPF) provide sufficient policy guidance for those involved in planning, developing and protecting the built and natural environment? Are some factors within the NPPF more important than others? If so, what should be prioritised and why?

The NPPF has been shown to be largely fit for purpose. It is succinct and covers the full range of planning policy pretty well, with the exception of heritage policy which needs addressing (see below). It does however, compared to previous national policy, leave considerable gaps of detail. Many of these are dealt with in the wide range of detailed guidance and best practice that is available from many different sources. The problem is that these are not well signposted at least in part because of the slightly obsessive requirements for the separation of policy and guidance. The need for a one-stop on-line seamless and tiered policy and guidance resource is obvious (Q1a, final bullet). The Planning Portal does not function adequately in this respect because there is no connectivity between documents.

NPPF policy should emphatically not be prioritized. The relative weight to be given to various aspects of NPPF policy varies with the circumstances of each case. Prioritization within the NPPF would distort the policy balance and lead to poor decision-making on the ground.

NPPF heritage policy does need some attention. The intentions of the heritage section are clear. But its terminology does not properly fit the requirements of the legislation.

- The assessment tool in the NPPF is “significance” while the statutory requirement is to have regard to “special architectural or historic interest”. This difference is confusing and needs to be remedied.
- Similarly, the other various heritage types covered by the NPPF have differing legislative protection and are not all well served by the policy.
- The statutory requirement to protect the setting of listed buildings is not directly covered by the NPPF but should be.
- There is inadequate policy on conservation areas which make a substantial contribution to the character of places (Q8).

4. Is national planning policy in England lacking a spatial perspective? What would be the effects of introducing a spatial element to national policy?

Yes. A structured and tiered national spatial policy is urgently needed. At present there is little attention given to the relationship between the supply and demand for development opportunity and the impact of this on travel demand. In the south-east particularly each ring of settlements is forced to accept displaced demand from the next ring nearer the centre of London and exports its own demand to the next successive ring. The result is unsustainable travel demand and, we fear, increasing imbalances in the necessary make-up of local workforces.

What is needed is a national spatial strategy that actively promotes and resources measures to re-balance the national economy throughout England. The “Northern Powerhouse” is an example but it does need to be properly backed and resourced. In particular it needs to address how both development and travel demands are met in such a way that optimises the former and reduces the latter.

Also needed are similar strategies at city-region (Government regions and LEP areas are not a good proxy for city-regions) and local plan levels; although many local plans have a spatial dimension to some degree. Strategies for city-regions could be prepared collaboratively but would need to be binding.

5. Is there an optimum timescale for planning our future built environment needs and requirements? How far ahead should those involved in the development of planning and built environment policy be looking?

Planning timescales depend on the nature of what is being planned. National level strategic plans need to have timescales reaching far beyond the period of a single parliament, in fact to many. This is achieved in many areas of Government planning – defence, for example – but seems to be illusive in the built environment. This requires cross-party agreement on the broad strategy to be followed.

At the local level planning policy needs to be looking forward about 10 years. But this is not helped by the complexity of local plan making. This takes so long that there are such infrequent chances for proposed development to be put forward and the public to be involved that it is necessary to consider proposals that are far from any prospect of development. With the introduction of a strategic element, with a timescale of say 20 years, the proposals aspect could be the subject of an annual review with only additions and subtractions being considered. Practising planners might say this was unachievable but annual plans are not only achievable but required in many area of public life. There doesn't seem to be any real reason why this shouldn't apply to planning.

Buildings and places: New and old

6. What role should the Government play in seeking to address current issues of housing supply? Are further interventions, properly coordinated at central Government level, required? What will be the likely effect upon housing supply of recent reforms proposed for the planning system?

This is a very complex problem which needs special attention. At its basis there is a fundamental economic problem which is that housing and development land have become tradable commodities predicated on rising values. This upward circle of value locks up increasing proportions of the economy in real estate. Accommodation needs are thus not being met or are subject to increasing affordability gaps.

Housing needs to be planned on a fundamental examination where houses are required, what type or range of housing is needed and how it is best funded and delivered. With the exception of the lamentably inadequate social housing programme housing is currently planned on the basis of what developers want to provide.

More effort needs to be given to the existing housing stock:

- There is far too much empty and underused property. Renewed efforts are needed to bring this into better use. Existing mechanisms are often not being used because of lack of resources.
- We have said this many times in the past, but the imposition of VAT on building maintenance but not on new-build makes timely maintenance more costly and thus less likely to be undertaken and favours new build over retention with all the release of embodied carbon that redevelopment imposes.

7. How do we develop built environments which are sustainable and resilient, and what role should the Government play in any such undertaking? Will existing buildings and places be able to adapt to changing needs and circumstances in the years to come? How can the best use of existing housing stock and built environment assets be made?

The nub of this is place-making. There is no doubt that the most sustainable and resilient places tend to be those that are attractive to live and work in. The policy key should be:

- Protecting successful places from development that would undermine them, such as out-of-town retail developments.
- Prioritizing the retention and creation of local character, including heritage-led place-making.
- Making use of urban design techniques to rebuild local character where it has been lost or destroyed.

The Government's track-record on carbon use is not good. There is enormous potential for improvements given the right long-term strategy.

- The withdrawal from the 0-carbon target for new dwellings was a huge mistake. The short-sightedness of this lies in the near-universal separation of carbon use as an "in use" issue alone rather than a part of from the whole life-cycle analysis of development proposals. The advantages of 0-carbon housing to occupiers should be both obvious and highly marketable.
- The underlying objectives of the "Green Deal" were good and should be retained. The one-size-fits-all design and implementation of the Green Deal was not. Its failure leaves a gap for a sensible case-by-case process for improving the thermal performance of buildings that takes into account life-cycle analysis and deals with issues of repair and maintenance at the same time.

8. To what extent do we make optimum use of the historic environment in terms of future planning, regeneration and place-making? How can more be made of these national assets?

The obvious public appeal of heritage places makes this aspect an essential one to address:

- Improve the positive role of heritage by moving responsibility for it to the DCLG.
- Promote heritage as a tool for economic regeneration.
- Promote heritage as a facet of sustainability. The avoidance of new-build through building restoration is often the low-carbon solution.
- Emancipate the status of conservation areas. These contribute greatly to the character of places but are sadly short of adequate planning controls.
- Protect existing historic environments from damage caused by uncontrolled works including those undertaken by Highway Authorities and statutory undertakers.

Skills and design

9. Do the professions involved in this area (e.g. planners, surveyors, architects, engineers etc.) have the skills adequately to consider the built environment in a holistic manner? How could we begin to address any skills issues? Do local authorities have access to the skills and resources required to plan, shape and manage the built environment in their areas?

Skills of the built environment industry are generally good but improvement is always desirable. The problem is that skills are not employed appropriately, often enough or resourced to the extent that will produce good results. Conservation architecture is a specific area of practice with high standards of accreditation. There may be a case for more general coverage of conservation issues in schools of architecture particularly as 40% of architectural work involves work to existing buildings. If urban design techniques were more widely used (as they should be) there would be a requirement for more training in urban design.

There is in some parts of the development industry an unfortunate blindness to the connexion between quality and value and this is worsened at present by the housing shortage in which just about anything will sell no matter how poorly designed. There is rather too much Government credence given to complaints by developers about their difficulties with planning authorities and rather too little given to the fact that many developers are not doing the built environment any favours. Planners do not design development. They can only require good design to be provided. Developers need to recognize that high quality design adds value and is more than worth the investment. Good design takes time and that has to be resourced.

The skills levels in planning authorities have been declining in recent years with declining resources. This needs to be addressed urgently; and could be helped by the introduction of an easily accessible on-line tiered planning policy and guidance resource (Q3).

Planning authority resources have also been in decline. Since 2006 over a third of Conservation Officer posts in LPAs have been lost according to figures monitored and published by the IHBC and English Heritage/Historic England for many years. Some LPAs have no conservation resource at all. This lack of resource results in little or no advice to the owners of listed buildings:

- On their responsibilities as custodians of the nation's heritage.
- How to achieve profitable and beneficial use from listed buildings.
- How to make alterations to listed buildings to improve (for example) their thermal performance without harm to their significance or damage to their fabric.

There is grave concern that our national heritage, so important to our culture, and that supports our economy, and tourism, and that can underpin economic development is being abandoned by government and Local Authorities in order to meet short-term fiscal objectives and other LA statutory priorities.

A reformed system for Planning and Heritage Services that recognises their need for a sound and independent business and financial platform designed to meet local demand is urgently needed if we are not to miss the boat and starve developers and owners of heritage assets the support they need now to make the economy prosper.

There is a chronic shortage of building industry tradesmen skilled in the particular techniques required to maintain and restore historic and other traditionally constructed buildings. Work by the unskilled in this area often leads to further damage to the building through the use of inappropriate materials and techniques leading to further cost, loss of value and, sometimes, ill-health.

Skills could also be widely and rapidly enhanced by the formation of a new body to replace CABE (Q10)

10. Are we using the right tools and techniques to promote high quality design and 'place-making' at the national level? How could national leadership on these matters be enhanced?

Place-making is a crucial aspect of good planning. Successive Governments have had good track records in recognizing this but, apart from commissioning reports, have taken little effective action. The Farrell Report was the latest example. The cut of funding to CABE was an enormous mistake. The enormous back-catalogue of good work and advice produced by CABE needs to be capitalized upon.

What is required is:

- A body to replace CABE's general sphere of interest and competence.

- A national commitment to design quality (and particularly urban design quality) and support for local authorities and communities that insist on it.
- Place-making requires vision – not the “vision” of truisms routinely required by mission statements and the like – but a visual plan for what a place might or ought to be like. This requires skills in urban design, which are highly developed and widely available (although insufficiently) but employed at the wider built environment level all too rarely.

Community involvement and community impact

11. Do those involved in delivering and managing our built environment, including decision-makers and developers, take sufficient account of the way in which the built environment affects those who live and work within it? How could we improve consideration of the impacts of the built environment upon the mental and physical health of users, and upon behaviours within communities?

This question would be a good starting point for a statutory definition of the purpose of Planning (Q1b). Its answer lies in the achievement of a structured methodology for achieving strategy, spatial distribution and quality in the built environment. There has, over the years, been much urban design research and guidance on the built environment from the user perspective. This should be brought up to date and built upon.

12. How effectively are communities able to engage with the process of decision making that shapes the built environment in which they live and work? Are there any barriers to effective public engagement and, if so, how might they be addressed?

Community involvement can be a very effective tool, but it does rely on communities having the resources of time and skills to engage at the required level. Many communities have poor experiences of planning limited to campaigns against what they see as predatory development. Improvements might be:

- Continuing to build on the increasing success of neighbourhood planning.
- Bearing in mind that many communities do not have the capacity for neighbourhood planning, introduce a template for the expression of community aspirations to be adopted as SPD and given weight in planning decisions.

Financial measures

13. Are there fiscal or financial measures potentially available which would help to address current issues of housing and land supply? Are there financial or other mechanisms that would encourage better design and place-making by private sector developers?

This is not an area of expertise to us. However, it does appear that there is a disconnect between the value of development land and the viability of the development that the community needs. Too often open-market land values are so high that no development is possible other than that which meets demand far beyond the means of community needs. There have been various attempts at regulating development land value in the past all of which have failed because they were not given long enough to succeed and/or did not meet political strictures.

It needs to be remembered that development land has its high value mainly because of the limited supply of development land created by the planning system. It is reasonable that the public policy that gives rise to the value is able to recoup some of it.

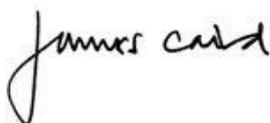
Land value is the main financial variable in the development equation. It is a major failing of the development process that land values are set early in the development process, often before any planning requirements or site constraints are known let alone allowed for. This means that other considerations are starved of resources. Design quality, affordable housing, 0-carbon have all suffered as a result. The only real way out of this is to give planning real teeth: the ability to set high standards and, if the developer will not meet them, compulsory purchase powers at land values that allow the development of the required standard to proceed.

Another way forward might be to give more power to development plans to set the land use at a finer scale than "housing". Local plans with proper teeth to prescribe the nature of housing development that will be permitted. In time (and it will take time for land-owners with over-optimistic aspirations) the rates at which development land changes hand might become realistic.

CIL is a good tool in the right places. However it does not deliver adequate resources in areas where project viability is fragile. Infrastructure provision in less well off areas needs proper resources.

Pre-application advice should be free. To fund it and promote its use the cost of providing the service should be built into planning application fees. It should be publicised as being part of the planning process designed to add value and reduce abortive costs on unsatisfactory proposals.

Yours faithfully

A handwritten signature in black ink that reads "James Caird". The signature is written in a cursive style with a large initial 'J'.

James Caird
Consultant Consultations Co-ordinator