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Dear Sir,

**IHBC Consultation response on Historic England Guidance:
Conservation Principles For the sustainable management of the
Historic environment**

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We are pleased to have the opportunity to comment on the draft guidance document.

1. **General Comments on the Draft Conservation Principles**
 - 1.1 The IHBC welcomes the revision of Conservation Principles and believes that this consultation document is an improvement on the 2008 version. There is, however, an opportunity now to make improvements with some rigorous editing to the current version to make it fit for purpose, and to shift the tone of the document to enable it to deliver a message of greater positivity.
 - 1.2 More than anything, what is needed from this guidance document is clarity, a lack of repetition and removal of overly complex explanations. If the commencement of the document were to inject a note of positivity and pride. The 2008 Conservation Principles

stated *"The historic environment is central to England's cultural heritage and sense of identity, and hence a resource that should be sustained for the benefit of present and future generations. (para 18)* The current consultation document 2017 begins weakly with *"Research consistently shows that there is overwhelming support for heritage in England. So many people care passionately about their heritage; they want to protect it, but nothing stands still forever. (para 1)* A statement more like *"remarkable built heritage that represents human aspirations and endeavor over many centuries. It makes a valuable and irreplaceable contribution to our quality of life and needs to be recognised in decisions that are made about the future"*, would set the type of positive and uplifting tone and be more helpful than the existing introduction with its bland statement about *"research indicating overwhelming support for heritage."* In the 2008 version, passion and conviction are conveyed but the 2017 document is apologetic and the opening sentence sets the tone for the rest of the document.

- 1.3 In general the document may be trying to do too much and as a result ends up confusing some of the basic principles. In conclusion, policy is fluid and will change based on political and social will. The definition of a 'principle' is *"a fundamental truth or proposition that serves as the foundation for a system of belief or behaviour or for a chain of reasoning."* 'Conservation Principles' must deliver strong foundations and leadership.
- 1.4 The consultation draft is more concise than its predecessor and it states that it is intended to be more closely aligned with the NPPF (Paragraph 4). This compatibility is welcomed. The IHBC is pleased to note the omission of the chapter from the original document on *'Understanding Heritage Values'*. The *'values'* are integrated into the various aspects of *'significance'* in the new chapter. This reduction in emphasis on values and correspondingly increased use of the language of the NPPF is helpful in reducing the confusion caused by the 2008 Conservation Principles document.
- 1.5 The IHBC suggests that there needs to be more emphasis and clarification on assessing significance at the conceptual stage of a planning application involving a heritage asset so a development can be heritage led. If the significance has been properly understood by a good quality assessment by a competent accredited professional in historic buildings and conservation, it will include phasing, the evolution of a building and analysis of historic fabric. If the site is a designated site it should also include a degree of building recording and analysis. Taking this assessment of significance into account changes the process and mitigation may then be able to be made causing less harm, and creating a positive

outcome. The refocusing of decision-making to technical issues away from subjective and inconsistent communal associative issues and concerns is welcomed.

- 1.6 Throughout the document, it would be useful to recognise the nature of conservation practice, which includes reconciling values, applying different legislative frameworks, taking account of the socio-economic and physical context, etc. The document should make clear that whilst all heritage assets have some broad similarities and that concepts such as significance, managing change to balance harm and benefits, enhancement, setting, etc. apply to them all, it is important to recognise that each designated historic asset type is profoundly different and each requires a distinct approach in order to conserve each type of asset in a sustainable manner.
- 1.7 The IHBC notes that there is almost nothing on sustainability in this version of the principles and we believe that this is a serious and fundamental omission and that the entire document should be revised with this in mind.
- 1.8 The IHBC wishes to highlight a point almost universally ignored in heritage assessments, that not all designatable assets are designated. Sometimes this is explicit (e.g. the discretion in scheduling), sometimes it is because something is undiscovered or not capable of the necessary investigation to establish its significance (e.g. buildings whose interior has been inaccessible). The principle needs to be reiterated that all heritage assessments should assess the asset in the context of its type and date, and if it has the potential to be designated then a designation assessment should be sought.
- 1.9 Throughout the guidance, the focus is firmly on buildings rather than areas. This needs to be addressed, for example in recognising the importance to character and special interest of townscape, streets and spaces, spatial characteristics, etc. It would also be useful to differentiate clearly between polite architecture and vernacular buildings. A common problem with character assessments is a failure to differentiate or to appreciate how both contribute to special interest in different ways.
- 1.10 There remains a lack of structural connection between planning legislation (including conservation legislation) and Historic England's own internal policy as described here, a problem that manifested itself most negatively in the Historic Environment Good Practice Advice in Planning Note 2 '*Managing Significance in Decision Taking in the Historic Environment*' and its failure to specify the priority of

the 1990 legislation or to even reference it as anything of importance.

- 1.11 We are concerned that there is a danger that this document embodies and promotes an exclusive focus on '*significance*'. Given the lack of formal statement of connection within the HE Principles between this internal HE policy document, with reference to its reliance on significance, and the actual legislation-for example to reference in the main text to '*special*' interest (and the legislation) and not just relying on a generic glossary noted on '*significance*' referring to generic '*heritage interest*.' As a result these Principles may well remain as an elitist document to be understood exclusively by trained specialists working outside cognizable legislative processes.
- 1.12 There does not appear to be any mention of reversible intervention which was included in the 2008 version, was valid then and remains so. Also there are useful definitions and policies regarding Intervention at P122 of the 2008 Principles. There is also little reference to Repair P117 and Restoration P126 or New Work and Alteration P138. (Ref 2008 Conservation Principles). We suggest that these areas could be addressed more fully by HE in the new Glossary if not included in actual points in the updated document.
- 1.13 The definitions at Paragraph 6 are useful but might be better integrated through the text. It would also be helpful to refer through the text to the comprehensive glossary at the end of the document.

2. **Specific Comments on the text of the document**

- 2.1 In relation to Paragraph 2 in the Introduction, IHBC believes that the statement that HE "*encourages others to refer to these Principles*" should be strengthened and replaced by a much clearer statement of its intended status in relation to legislation, policy and the planning system. Should HE genuinely wish this guidance to be used and referred to by LPAs, property owners, developers, advisors then a few more simple explanations are needed, and more clarity is needed concerning the importance of engagement of appropriate expertise on proposals affecting heritage assets throughout the document. Any document published by the Secretary of State's statutory advisor on heritage matters is likely to be referred to by the parties in conservation disputes (particularly in public inquiries and planning appeals) and may carry weight. The document should make clear how archaeological, architectural, artistic or historic interest relate to the different

legislative frameworks. Throughout the document, there is a need to differentiate between different legislative frameworks. Confusion between these could lead to unlawful decisions.

- 2.2 In paragraph 2 HE states that the guidance "*does not directly address intangible heritage*". The question needs to be asked therefore how are intangible issues to be addressed? Are they to be the subject of further advice, and if so what happens in the meantime?
- 2.3 Paragraph 3 states that the principles are consistent with the NPPF and a number of other European Conventions. However the Venice Charter is not mentioned or and many other charters subsidiary to the Venice Charter are not referred to for example the Nara Document on Authenticity. The Venice Charter encapsulated in as few words as possible the basic principles of conservation. It is the very basis of all that is good building conservation.
- 2.4 With regard to Paragraph 5 in the draft introduction, the comment "*protected in the public interest through designation*" needs more clarity and precision on what exactly is protected through legislation. e.g: A listed [designated] building has its internal fabric protected as well as all of its external elevations. This is so often forgotten by property owners, developers and their advisors. A definition on national designation [listing] and non-designated designation referred to in P2 would be beneficial in P6 and in the Glossary.
- 2.5 Paragraph 6 – The importance of setting to significance is welcomed however setting is still described as being part of significance. But setting in planning terms has a wider application, including consideration of good urban design. This requires some clarification in the text. The definition of significance in Paragraph 6 matches that in the NPPF but it has no statutory basis. HE should take this opportunity to return to a planning view of setting i.e. that it is simply the surroundings of a heritage asset – setting may contribute to significance but equally it might not. The setting might be attractive or might be debased. Whatever the case, changes in the setting of a heritage asset should be managed with sensitivity for the asset and opportunities to enhance debased settings should be taken. The archaeological concept of the setting having to make a contribution to significance in order to justify a harmful proposal is an unnecessary complication that does not, we would suggest, have any basis in law.
- 2.6 Principle 1 – The IHBC disagrees with the content in paragraphs 8 and 9. In many cases, the market is the means to conservation.

This suggestion of conservation versus economics is very unhelpful. These give the impression that conservation is a left-wing, anti-free-market activity. The references should be omitted. However, it is important still to recognise that market failures can affect conservation and threaten heritage assets. This includes both underperforming areas and areas where the land economy is overheating.

- 2.7 Instead of this section on the value of the historic environment. It would be more appropriate to include content pointing out that the community determines what is of value by its democratically elected representatives designating heritage assets at both local and national level and that properly designated assets are of considerably more importance than non-designated ones. In this regard, we suggest that the first two bullets in Paragraph 15 are dubious – It is not easy to establish who values a heritage asset on a case-by-case basis.
- 2.8 Principle 2 - Community and stakeholder engagement is far wider in scope than significance. There are also numerous examples of community leadership and direct intervention, for example in asset transfer and neighbourhood planning. This passage concerns IHBC as it does not reflect a genuine understanding of community and stakeholder engagement and consultation.
- 2.9 Principle 2: Paragraph 11, introduces the idea that heritage experts cannot sufficiently assess the complete range of values of a particular heritage asset. IHBC recommend great caution here. This statement we suggest has been written in the context of the appropriateness of community engagement, when considering the values of a heritage asset. We suggest that this paragraph needs to be redrafted. It is somewhat insulting to professionals and a contradiction in terms as a specialist/expert will be aware of the full possible range of values including communal values. It also contradicts paragraphs 12 and 18. This could be omitted or could be rephrased to highlight the importance of appropriate engagement assessing the values and significance of a heritage asset. Certainly the term '*Alternative perspectives*' may not be appropriate. A more positive expression about communal values would be appropriate. LPAs need consistency and national standards to follow rather than a culture of '*it depends*' whose view you take.
- 2.10 Principle 3 - IHBC is concerned with the relative weighing of asset's interests with those of other (similar) assets and is not clear what the purpose of this clause might be. The advice on significance is limited in scope. We suggest aligning the text more closely with that

in BS7913 and that in the IHBC/HTVF/Civic Voice Conservation Professional Practice Principles¹.

- 2.11 Principle 3 Paragraph 14: The IHBC has concern about references to 'Landscape' and the lack of reference to 'Townscape'. Also it is not correct to state that landscape per se is a heritage asset – some landscapes with a significant component of man-made adaptation, buildings and structures are potentially heritage assets but, it may be true also that a regular attractive landscape devoid of structures is not. The reference to "*inspiring landscapes*" (paragraph 24) is inappropriate and should be replaced by "*characterful townscapes*". The reference to the "*sublime landscapes of the Lake District*" in paragraph 43, should be omitted as it is not an objective statement.
- 2.12 Paragraph.13 "*Good quality information about an asset....*" is not specific enough. It is suggested that the sentence could read: "*by competent qualified experts in the field of conservation when assessing significance*" Ref BS 7913 (5) ..."*sound research evidence base and the use of competent advisors and contractors...*".
- 2.13 Paragraph 15 "*understand the physical fabric*" may need something adding about the need for a site survey and standing building recording and not just a desk-based assessment. The person who is assessing the significance of a heritage asset must understand and articulate the values and therefore the '*significance.*' This cannot be achieved without a site visit to examine the fabric. For consistency it is suggested that the term "*surroundings*" be replaced with "*setting*" and why not make this a bullet point. Bullet point 5 is "*context*".
- 2.14 Principle 4 – The IHBC suggest that there is a resonant tone of negativity throughout the document, particularly seeing change as a threat. Yet change created the areas we seek to conserve. Conservation practice is also about proactively and positively delivering change and enhancement which is covered by the last sentence of paragraph 16. In line with the change integrating values into the various aspects of significance, the heading for Principle 4 (page 4) should be "*Heritage assets should be managed to sustain their heritage significance*" (i.e. not values).
- 2.15 Paragraph 17 the use of the term "*accept constraints*" could be misused. We suggest taking this word 'accept' out and replacing it with '*understand*' the constraints. Bullet point 3 is poorly drafted

¹ http://ihbconline.co.uk/newsarchive/wp-content/uploads/2017/06/Conservation-Professional-Practice-Principles_A5-FINAL-May-2017.pdf

(not a proper sentence and ambiguous) and needs to be reworded. This is a key issue of conservation (dealt with better later in the document and it should not be relegated to a poorly drafted bullet point.

- 2.16 Paragraph 18 who will define "*those who have an interest in the assets affected*"?
- 2.17 Paragraph 19: IHBC hopes that the proportional requirement for public engagement will not lead to a reduction in the notification process to neighbours, the new amenity societies etc.
- 2.18 Principle 5 - It would be better to emphasise that conservation is about reconciling different values within various legislative frameworks and taking account of various factors. The IHBC, HTVF, Civic Voice Conservation Professional Practice Principles document is a helpful guide ².
- 2.19 Principle 6: Paragraph 21, The guidance could usefully introduce the term '*log-book*' or '*house folder*', a handy record for maintenance and repairs, a reminder of dates and contacts. This piece about recording is vague. Unless there is a national recording system and consents have conditions requiring such recording this is not likely to happen.
- 2.20 Paragraphs 17 & .23 "*Lost heritage and further understanding made publically available through relevant archives*" etc. This is a good point but with the addition of should only be used as last resort and not as compensation for loss. This has been used as a planning condition when planning permission has been granted and approved to outweigh the heritage benefits of that work as so often this destroys historic fabric.
- 2.21 It may be helpful in paragraph 23 to refer to H's publication "*Understanding Historic Buildings*" which sets out a methodology for recording.
- 2.22 Paragraph 24 - the term '*interesting landscapes*' requires some clarification. There needs to be mention of townscape. Please note earlier suggested reference to '*characterful townscapes*'.
- 2.23 Paragraph 25 - there should be recognition of how conservation supports more mainstream economic development, for example the role of older areas in supporting enterprise. We suggest that the

² http://ihbconline.co.uk/newsarchive/wp-content/uploads/2017/06/Conservation-Professional-Practice-Principles_A5-FINAL-May-2017.pdf

term "*instrumental*" is not helpful. Also the statement that heritage "*leads to tourism*" will not always be a benefit in particular because mass tourism is what increasingly threatens the historic environment.

- 2.24 Paragraph 26 There is a need to add '*group*' value to this paragraph as it is a key player in terms of '*place*' and one of the criteria with '*Architectural and historic interest*' in the Principles of Selection.
- 2.25 Historic Interest Paragraphs 28 – 37 We suggest that this needs to be redrafted to ensure that there is no confusion between historic interest and communal value. The wording "some semblance of its appearance at the time" is not helpful as a basis for sustaining heritage value .
- 2.26 Paragraph 30: There is discomfort with the term '*completeness*' and we suggest the term 'degrees of survival' instead. '*Completeness*' and '*intactness*' are delicate and ambiguous terms. Completeness is an unlikely state for historic fabric as repairs are required.
- 2.27 Paragraph 33 - it is unclear how '*communal value*' relates to '*special interest*'.
- 2.28 Paragraph 35: The sentence "*reinterpretation at or near the object or site in question can make clear that contemporary values differ from those presented by the asset*" is ambiguous and clarification is required. Venice Charter Article 7 states "*the meaning of all or part of a monument cannot be allowed except where the safeguarding of that monument demands it or where it is justified by national or international interests of paramount importance*". This paragraph needs reappraisal and should be consistent with what evolves from the current HE consultation on *Contested Heritage*."
- 2.29 Paragraph 37: We have a concern over powers to protect '*intangible*' cultural heritage and a preference that there should be '*surviving fabric that witnessed the event*'. If there is no historic fabric then there is nothing to protect.
- 2.30 Paragraph 38: The text should make clear that archaeology is protected by different legislation, but also how it is a material planning consideration. The confusion between different legislative regimes throughout the document is dangerous. With regard to '*Archaeological Interest*' (paragraph 38). The document should make it clear that archaeology is fundamentally different to other built heritage assets.

- 2.31 IHBC suggest that often archaeology and historic buildings, and areas require a different approach. Each designated historic asset type is profoundly different and distinct approaches are required for each. Different approaches may be needed to form a complete understanding of the development of a site not just all the phases of a built structure above ground but also the evidence of its predecessors below ground, particularly for archaeology, the main issue in many cases is to obtain the evidence that it provides rather than with the existing building, to conserve it as a feature that makes a positive contribution to the quality of the built environment. The idea of managing change to balance harm and benefits applies equally, and one can envisage a near future in which physical destruction of archaeology becomes exceptional rather than the norm due to non-invasive techniques.
- 2.32 The section of the consultation draft on '*Managing change in the planning system*' (paras 59-71) is helpful. The advice in Paragraph 70 that transparent decisions involve working through the relevant legislation, policy and guidance is sensible (if not rather obvious) but the reference to Paragraph 14 is confusing (is the reference to para 14 of the NPPF)
- 2.33 We consider that the term '*aesthetic*' used in paragraphs 42 and 47 is not appropriate as it is seen as elitist and a matter of taste. Technical engineering and such achievements are about skill, ingenuity, material innovation – not aesthetics and the term is limiting of the interest here. Styles like Brutalism are historically important as steps in design history – it is not primarily about aesthetics.
- 2.34 Paragraph 43: IHBC disagree with the assertion that architectural value derives wholly from aesthetics. Whilst aesthetic value is an important component part of architectural value, functional/structural/technical architectural qualities are not necessarily aesthetically pleasing. While architecture is an art and not just about aesthetics, judgements about artistic value, or beauty, both of which transcend style, fashion, innovation or novelty cannot be avoided any more than when looking at a painting or listening to music. Architecture, not just "*polite*" architecture is first an art; without that it is mere building. A major failing of the original Conservation Principles document is that it fails to recognise architectural value at all, so it is an improvement having a section on architectural interest in this version but it is wrong to put so much stress on aesthetic value when the term has no basis in the legislation. This point is further supported by selection guides for listing, because with listing every value a

building possesses has to be classified under historical or architectural interest.

- 2.35 Paragraph 43: IHBC has concern over the emphasis on emotive reactions. It is necessary to be rational, balanced, to use reason and to be objective. Emotional reactions are personal and subjective.
- 2.36 Paragraph 52: should use lower case for *'historic environment records'* to align with the lower case used in the NPPF, not least to ensure that other valuable sources of relevant information, such local studies libraries and record offices, are given due weight. Not all LPAs have HERs and they do not contain much if any relevant information for the built environment - by contrast, local studies libraries and record offices are universal.
- 2.37 It is suggested that unless records are curated this may lead to misinformation. For instance for many Heritage Statements (probably most) are carried out without expertise and are of poor quality.
- 2.38 Paragraphs 53 – 58: This reads like a very basic guide to designation. We question whether HE's main document on conservation principles is really the place for this? Such guidance is already covered in national Planning practice Guidance and should not need to be duplicated.
- 2.39 Paragraph 63: States *'Owners and managers of heritage assets ought not to be discouraged from adding further layers that are judged to be of a quality that could add future interest provided that the current significance is not materially reduced in the process'*. This wording is ambiguous. Surely it is impossible to know what will add interest in the future. Does it mean *'could add interest'* i.e. omit future? And what does materially reduced mean? NPPF (133) refers to *'substantial harm'* and NPPF(134) *'less than substantial harm'*. These are already difficult concepts and to add *'materially reduced significance'* further clouds the issue. We suggest rewording this piece.
- 2.40 Paragraph 64: The importance of the aspirations of building owners should surely be noted here.
- 2.41 Paragraph 65, Paragraph 67 & Paragraph 68 Taking the assessment of significance into account changes and mitigation may then be able to be made causing less harm, creating a positive outcome. Proposed changes to a heritage asset are usually then assessed via an impact assessment that is more easily

achieved if this is separate, and after an assessment of the sites significance. This is an area so often confused by planners and developers. i.e An Assessment of significance and Statement of Significance is not the same as an Impact Assessment although they are related they need to be undertaken and thought about separately. One should follow the other. There is also some confusion over what should be included in a Heritage statement and who should write this.

- 2.42 Relevant publications: IHBC believes that the document should acknowledge the wealth of relevant knowledge and documentation that exists in the field of conservation philosophy that it is legitimate to consider alongside HE's Conservation Principles.
- 2.43 Prior to the publication of the original Conservation Principles, Historic Scotland recognised the breadth of international conservation philosophies in its TAN8 publication '*The Historic Scotland Guide to International Conservation Charters*' (1997). In contrast, since the publication of the original Conservation Principles in 2008, HE has taken a single approach that gives no recognition to other valid approaches. IHBC suggests it would be relevant to list relevant published philosophies, charters and key texts, including those by Jukka Jokilehto and John Earl for example, and there should be a statement in the introduction that other philosophical approaches can be equally valid.
- 2.44 Ref BS7913 "*HIAs can be carried out at various levels of scale and complexity, from the effects of building works on a small structure to the effects of major development in a world heritage site.*" This requires an understanding of significance. It is excellent and essential that BS 7913 (P.3 and in the further information section) is mentioned but this document is not widely available and is an expensive purchase. Conservation Principles is free to download so could include quotations or at least perhaps direct references to points in BS 7913.
- 2.45 We also encourage reference to the IHBC/HTVF/Civic Voice 2017 practice Document '*Conservation Professional practice Principles*'³ in the further information Section. Given the unique role of this document as a cross sector statement on interdisciplinary practice in the care of historic places, it can play an invaluable role here by offering an interface between Historic England's own Principles and practice standards that reach across the many disciplines that have responsibilities in the care of our valued places.

³ http://ihbconline.co.uk/newsarchive/wp-content/uploads/2017/06/Conservation-Professional-Practice-Principles_A5-FINAL-May-2017.pdf

2.46 We suggest that the reference information should be categorised better, with the hierarchy of management clarified for all users by putting the legislation at the top and separating legislation, guidance (NPPF, and IHBC's 2017 practice document, '*Conservation Professional Practice Principles*' guidance⁴) and '*tools*' such as NHLE and OASIS.

Yours sincerely



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⁴ http://ihbconline.co.uk/newsarchive/wp-content/uploads/2017/06/Conservation-Professional-Practice-Principles_A5-FINAL-May-2017.pdf