



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.

The Institute welcomes much of the Bill where it relates to the Historic and Built Environment. There are some areas where we ask that the Bill be expanded to ensure a fair, consistent and clear system to protect our valuable historic buildings and areas.

## 1 Better and more consistent protection in Conservation Areas

### 1.1 Permitted development in Conservation Areas

Conservation Area designation alone does not restrict most permitted development. Domestic property in Conservation Areas still has a considerable amount of permitted development rights. The Conservation Area is the historic area to which people relate, in which they live, work and play and where they want to see clear, logical and easily understood controls. Members of the public are concerned by what they consider to be harmful alterations, expect designation to mean something and they are surprised to hear that Conservation Areas offer such weak protection without additional Article 4 controls. What residents, property owners, businesses need is simplicity and consistency. There are variations in controls from area to area, and even street to street. The public do not understand Article 4 and they are complex, time consuming and highly political to impose. There is a pressing need to make Conservation Areas simpler, more consistent, more open, and understandable. There is a need for Conservation Area designations to give the kind of protection expected by the public. The designation of a Conservation Area should remove certain kinds of permitted development as a matter of course, without the need for additional designations. Without such a fundamental reform the future of large parts of our historic environment is jeopardised and subjected to further incremental destruction.

The newer permitted development powers recently introduced in High Streets have, evidence suggests, resulted in poor quality housing and should be

considered for removal before more damage is done. For example the recent E Use Class, allowing ground floor units in high streets to change to uses not open to the public, works against the vibrancy of high streets and causes dead spots. This undermines policies in local plans and neighbourhood plans for most high streets which include policies to ensure that ground floor units remain in vibrant town centre uses (retail, hospitality, cultural uses, community facilities, etc.)

## 1.2 Urgent works Notices for Unlisted buildings in Conservation Areas

The improvements listed in the Bill to Urgent Works legislation should also be extended to cover non-listed buildings in Conservation Areas. This would create a process simpler and clearer than the current opaque and infrequently used system for urgent works to non-listed buildings of merit in conservation areas. Including unlisted building in Conservation Areas specifically in Urgent Works legislation would ensure that more buildings potentially valued by the local community, but in a condition which defaces cherished local areas and leads to public concern, could be dealt with.

### 1.3 Consideration of Setting of Conservation Areas

The proposals in the Bill to extend a statutory duty to cover the consideration of Setting do not extend to the setting of Conservation Areas and the impact development close to a Conservation Area may have upon the area. The Bill currently provides a duty to consider setting for all other designated assets but does not include the setting of a Conservation Area. The NPPF requires consideration of the setting of Conservation Areas but this is not entirely matched by the statutory duty for conservation areas (Section 72). The Bill as drafted will introduce a statutory duty to have regard to the setting for all types of designated heritage assets when considering development proposals, except Conservation Areas.

The list of Relevant Assets included in the Table at Section 92 surprisingly does not include Listed Buildings amongst all the other heritage assets. This may be because this is already covered elsewhere or be a simple omission but for consistency it would seem better that all assets are included together.

## 2 Climate change.

Climate change and the introduction of suitable mitigation measures should be integrated into all decision making and the Bill seems to make little reference to tackling this crucial current emergency. But in doing so provision should not include arbitrary targets, requirements or clauses and it should always consider how appropriate each measure is for individual buildings. A blanket approach can damage buildings and lead to long term unexpected damage and detrimental consequences. Every building may be able to be improved in some way but traditionally constructed, and especially historic, buildings can require a very different approach to make successful and non-destructive climate change improvements.

## 3 Resourcing local government

A properly resourced planning system is needed if the Government is to fully realise its ambitions. The Bill contains limited mention of resources. Many local authorities do not have adequate resources to ensure that the system runs smoothly and without better resourcing proposed changes are unlikely to have impact. For example Conservation Officers have an important role in Planning affecting the historic environment. The Institute of Historic Building Conservation (IHBC) analysed and compared Local Authority conservation capacity in 2020 in England with that from 2006, 2009 and 2018. It found that 6% of Local Authorities now have no access to conservation advice and many others having just part time access to advice this lack of advice exposes the nation's heritage to the real risk of harm and makes the aims of obtaining the advice needed for these documents to work successfully very difficult. A loss of 48.7% of conservation provision in Local

Planning Authorities across England since 2009 has had a devastating effect on these authorities and some may be no longer even able to carry out even their statutory conservation duties.

There is no generally accepted description or specification for a model conservation service. The IHBC would be happy to help in defining this more clearly as the best placed professional institution to do so.

But adequate capacity is not just measured by the number of professional advisers such as Conservation Officers but also by their skills and experience. In recent years there has been a significant loss of skills which has meant that owners, businesses and the general public cannot get the advice nor public service they need to fulfil their obligations towards heritage. Under capacity is also causing unacceptably long delays in getting Listed Building Consents and planning permissions for heritage assets from Local Planning Authorities to the frustration of the public and consequent lost opportunities and economic loss to the country. Funding directed particularly at implementing the heritage aims of the Bill would be vital to its success.

Despite the clear individual merits of many of the heritage provisions within the Bill, unless and until these capacity issues are properly addressed and resourced, there is little realistic prospect of any of them being carried through successfully on the ground. The threat to the success of the ambitions in the Bill through lack of resources is not limited to Conservation officers but applies throughout all parts of Local Authorities.

#### 4 The Institute welcomes in principle these proposals in particular:

- 4.1 **Introduction of temporary stop notices** in relation to listed buildings (Clause 93) to allow local planning authorities to require that an activity which appears to be a breach of LBC ceases, pending further investigation.
- 4.2 **Extension of temporary stop notices** from 28 to 56 days (Clause 102)

- 4.3 **Extension of Urgent Works Notices** to include occupied parts of buildings (Clause 94) removing ambiguity over what parts of the building can be subject to an UWN.

*But we would ask that consideration be given to extending the very welcome improvements to the Urgent Works legislation to also cover non-listed buildings in Conservation Areas. Although Section 76 of the Listed Buildings & Conservation Areas Act 1990 allows the Local Planning Authority to apply to the Secretary of State to treat an unlisted building as a listed building for the purposes of serving an Urgent Works Notice under S.54 this is a slow and difficult process because there is no set procedure and very few applications are made. A simpler process including non-listed buildings of merit in Conservation Areas into Urgent Works legislation would ensure that more buildings potentially valued by the local community and defacing cherished local areas could be dealt with.*

- 4.4 **Costs of urgent repairs** to go with the property to allow these costs to be claimed by the Local Authority from new building owners

- 4.5 **Consideration of setting.** Introduction of a statutory duty for local planning authority/Secretary of State when considering whether to grant planning permission or permission in principle to have special regard to desirability of preserving or enhancing designated heritage assets not covered in the 1990 Act along with their settings: i.e. Scheduled Monuments, World Heritage Sites, Protected Wreck Sites, and Registered Battlefields and Registered Parks & Gardens (Clause 92). *However an important omission is the failure to extend the statutory duty to cover the consideration of the "setting" of conservation areas and the impact development close to a conservation area may have upon the area itself. The Bill currently provides a duty to consider setting for all other designated assets but does not include the setting of a Conservation Area. There is a current mismatch between national planning policy in the NPPF and the statutory duty for Conservation Areas (s72) - the former requires consideration of setting the, latter does not. The Bill as drafted will introduce a statutory duty to have regard to the setting for all types of designated heritage assets (when considering development proposals, except Conservation Areas.*

- 4.6 **Extend the duty on listed buildings** from “preserving” to “preserving or enhancing”.

- 4.7 **Regard to heritage assets** in exercise of planning functions extended to Scheduled Monuments, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields, and World Heritage Sites. (Clause 92).

- 4.8 **Removal of compensation for building preservation notices** (Clause 95) *Building Preservation Notices can be a useful process for protecting buildings but it requires considerable administration and is not available for communities and individuals without Local Authority involvement. Applying for spot listing is a simpler more accessible process and we hope that as part of this Bill consideration will be given to including proposals for interim protection for buildings as soon as an application for spot listing is made.*
- 4.9 **Statutory requirement for the maintenance of an Historic Environment Record** (Clause 185) in order to make information available to the public.
- 4.10 **Shorter development plans** and policies which are more specific to the particular characteristics or circumstances of the area and do not repeat national policies.
- 4.11 Local Authority power to issue a **Compulsory Purchase Order** on land for regeneration.
- 4.12 Increase in the **time limit for enforcement against** unauthorised development to 10 years