

Heritage Protection for the 21st Century – Consultation Response of English Historic Towns Forum

EHTF welcomes the White Paper and supports many of its objectives and much of its content. The Forum through its membership has taken the opportunity to respond to previous documents and consultations as these proposals have taken shape. On behalf of our members we strongly support the core principles of the White Paper, i.e. developing a more unified approach to the historic environment, providing an inclusive and accessible system of designation and control, putting the historic environment at the heart of an effective planning system and facilitating local management of the historic environment. We see value and potential in the main objectives - a unified system of designation, a more transparent and simpler consent system focused on local authorities. The EHTF strongly supports a streamlined and modernised designation, appraisal and active management approach to Conservation Areas. It also supports the introduction of Heritage Protection Agreements to better manage and streamline consent procedures on large or complex sites. Other proposals are also welcome, in particular the provision of interim protection for buildings under consideration of listing and, in theory at least, the desire to give a form of protection to locally listed buildings.

However, we are concerned about the resource implications, for our local authority members, of the proposals, particularly the passing of Scheduled Monument Consent to Local Authorities, and would wish to see the issue of resources addressed in tandem with the contents of the White Paper. On a specific point we are disappointed by the method proposed for the protection of locally listed buildings. We do not see the seeking of an Article 4(2) Direction to protect unlisted buildings, such as those on the Local List, as a realistic tool. We are sceptical that the Secretary of State will be in a position to consider the merits of each individual building. We also wonder whether any thought has been given to the additional resources required by Local Planning Authorities in terms of consultation, advertising and reporting involved in pursuing this process. This seems to be a complicated and time consuming way of affording protection

With regard to the specific Consultation questions:

1. Should Conservation Area Consent be removed as a specific consent and merged with Planning Permission? The merger would be combined with amendments to the Demolition Direction to ensure planning permission would be required for the demolition of an unlisted building in a Conservation Area and amendments to the GDPO to reinstate levels of protection pre-Shimizu.
 - a. We consider that the amalgamation of the two consents would prevent the current 'doubling up' on applications. Our local authority statutory planning members do have some concerns over this proposal as the criteria for assessing CAC applications are clearly understood and focus on the principle of demolition only, but overall we see this as a positive step.
 - b. If the amalgamation is to proceed, criteria for the assessment of such applications will need to be very clear, to differentiate between the merits of demolition and those of proposed new buildings.

- c. Currently there is a process which links permitted demolition with arrangements for replacement buildings, thereby reducing the possibility of unsightly gap sites. Under the present arrangements the CAC is usually linked to the related Planning Permission via condition or legal agreement. This relationship needs to be cemented within any new arrangement. This would overcome, for example, any situation which allowed a developer to implement the demolition and not develop the site.
2. As a means of promoting early considerations of heritage issues in large scale developments, should there now be new statutory guidance promoting pre application assessment and discussions for all major planning applications which may affect historic assets.
 - a. This, in principle, sounds a useful tool in shaping developers proposals at an early stage of the design process.
 - b. The criteria for requiring such discussions would need to be clear, as well as providing timescales within which the discussions would take place.
 - c. There is uncertainty about what form the 'guidance' would take, the timescales involved, the impact on current targets and workload, and any new targets that would be imposed. Again the matter of our local authority members' resources, to address a more formalised system, has to be addressed in tandem with this proposal.
3. As a means of providing greater certainty to developers, should the current operation of Certificates of Immunity be expanded to enable an application to be made at any time, and for a site as well as an individual building?
 - a. In principle, we recognise some advantages in a system which will engage developers with this issue earlier in the development and planning process and provide certainty regarding their scheme. Developers will still have to consider the pros and cons of an application for Immunity given that it may have the opposite effect of achieving listing of a structure. By dis-connecting applications for Immunity from applications for planning permission there is however a danger that potential developers will automatically apply at the beginning of all development processes, and create a substantial workload in assessing these applications.
 - b. Clarity is needed on the likely timescales for the 'new' certificates. Unless the timescale for assessment is within specified targets the certificates are unlikely to be used.
 - c. Clarity is also required on what level of consultation is planned with the Local Planning Authority. An immediate concern of our membership is whether there is any additional burden of consultation responses on each application for a certificate from the LPA. Once again LA resources are key to this issue.