
Protecting Our Historic Environment: Making the System Work Better

RIBA comments submitted to the Department of Culture, Media and Sport's Heritage Review Consultation Paper

The Royal Institute of British Architects is one of the most influential architectural institutions in the world and has been promoting architecture and architects since being awarded its Royal Charter in 1837. Our 30,000-strong institute represents 85% of registered architects in the UK through our regional structure as well as a significant number of international members. Our mission is simple – to advance architecture by demonstrating benefit to society and promoting excellence in the profession.

The RIBA greatly welcomes the thrust of the Review to achieve an effective and sustainable approach to managing and protecting our historic environment that enables appropriate change. Our response is numbered according to the paragraphs in the consultation document.

We agree with the identified four **major areas of improvement**:

Simplifying: It is clear that the time has come to bring together the various protection systems into one intelligible process.

Openness: We welcome any move to greater clarity and openness that removes the element of mystery from the process and involves stakeholders in the decision making process.

Flexibility: This has not been a characteristic of the current system(s) and requires a change in the attitude of many of those involved in managing the process.

Rigour: Balancing flexibility of implementation with rigour of process is the key to the success of a reformed protection system.

Suggestions for change (answers to questions as numbered in the consultation paper):

The List of Historic Sites and Buildings of England

- 1.1 We agree with the proposal to bring together the confusion of different regimes into a single List.
- 1.2 We support the notion that there is some national input into the designation of areas of historic importance that complements local initiative.

Who should be responsible for national designation?

- 2.1 We agree that English Heritage is the appropriate body to be responsible for national designation. Safeguards should include rights of appeal both for inclusion and omission.

- 2.2 A dedicated designation panel would seem appropriate. Both CABE and the RIBA should be consulted on post-war buildings designation. We believe that the RIBA can make an informed contribution to the process and would like to make a case for the architectural profession, through the RIBA, to be directly represented on English Heritage.

Criteria and discretion

- 3.0 The RIBA believes that the sole criteria for listing should be those of architectural, cultural and historic importance and that matters of viability and economy should continue to be dealt with through the Listed Building Consent process. However we would propose that a structure that has deteriorated to the extent that it has lost its integrity could be judged to have lost the criteria that might have otherwise have justified listing.
- 4.1 We see no good reason to change the well established grades of listing.
- 4.2 We believe that there is a case to be made for the establishing of local lists for planning guidance only, but that 'The List', including Grade 2 structures, should continue to be held at the centre where the greater expertise lies. English Heritage is best able to judge when it can delegate individual listed building consent decisions to the relevant local authority, dependent on a combination of the importance of the case and the extent of the local expertise. It should have the power to do so, but, with some notable exceptions there is a lamentable lack of conservation and historic building expertise within many local authorities.

Making listing more transparent and removing uncertainty

- 5.1 The RIBA encourages the notion of greater transparency, including a requirement for summary 'statements of significance' with new listings that give outline guidance to stakeholders of relative importance. Statements would require review at the time of listed building consent, to include the significance of new discoveries and contemporary changes, which become part of the history of the structure or complex, and are sometimes of great significance themselves.
- 5.2 Statements of significance for existing listings could be restricted to those that are subject to listed building consent applications, and could be commissioned by the building owner from an appropriate person as part of the application process. Guidance in favour of structure and brevity should be clear and statutory to avoid a medley of different forms of statement and over zealous demands on owners.
- 5.3 Maps would give greater clarity of curtilage and would be welcomed.

Openness and protection

- 6.1 The RIBA supports the notion of greater openness in the listing process, including consultation with owners and relevant national and local bodies.

- 6.2 We see no reason why private property owner occupiers should be treated differently. We would expect full explanation of the process and consequences to be attached to every listing proposal.
- 6.3 To prevent the possibility of abuse of an open consultative/decision period, it is accepted that the structure or complex concerned should be deemed to be fully protected as listed until a designation decision is made. We suggest that might be limited to a guidance period of 4 weeks with a maximum of 12 weeks from the announcement that listing is to be considered.

Appeals

- 7.1 The RIBA supports a right of appeal to the Secretary of State, both for and against listing. The Secretary of State should judge as to level of inquiry that was appropriate to the case. Clear criteria should be set down as to the case for an appeal. Costs should be awarded against those seen to be bringing a vexatious or time wasting case.
- 7.2 The right of appeal should be restricted to owners and relevant third parties, such as the individual or group or authority that had instigated the listing process.

Management and control for items on the List

- 8.1 It should be up to English Heritage as to whether it pre defines what works would require consent. We doubt that it is practical to do so, other than in generic terms, but an experiment could be carried out to test the theory.
- 8.2 Generic arrangements for historic areas should be confined to significant alterations to character and historic integrity. A definition of the character of an area is an essential tool to determining whether a proposal should be judged as a significant alteration.

Management agreements

- 9.1 We believe that management agreements have their place to play in the panoply of heritage protection regimes. They may have particular relevance to whole estates and complex sites, such as National Trust properties, School and University campuses, and large country estates.
- 9.2 If seen as an alternative to specific consents they would require periodic monitoring to ensure a mutual understanding of the principles and their implementation.

The rural historic environment

- 10.0 We do not feel qualified to answer this particular question
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12.0 We do not feel qualified to answer this particular question

Protection at regional and local level

13.0 We support all conservation areas having character appraisal statements that act as guidelines for prospective development or change. These should be written in a manner that is comprehensible by all.

14.0 Character appraisals could and should include reference to parts of conservation areas that are perceived as being detrimental to the overall character and where appropriate demolition/ redevelopment might be encouraged. We would wish to expand upon this suggestion – see below.

15.0 It would seem consistent to require planning permission for the demolition of any locally listed building as part of any redevelopment proposal.

Resources

16.0 Rather than set up a separate network it would be preferable to build the skills within local authorities, possibly in partnership with English Heritage/ CADW. This should be reinforced by advice from conservation advisory panels, that should be constituted to include architects and others with a wider viewpoint than the representatives of local pressure groups.

17.0 The obvious skill gaps exist within local authorities who have historically been weak in this area, but have in recent years lost many of their most able people to the private sector. It is the intention of the RIBA to build on conservation and historic building skills within the profession through the education system and through continuing professional development. Swift change can only be brought about through substantial additional investment in training of both the professions and trades, and the definition of thresholds that should be reached by every planning authority.

Finally we would like to make a specific new proposal that is not touched on in the review. We suggest that a pilot study be carried out into the encouragement of the removal or radical remodelling of buildings or structures that are perceived to be particularly detrimental to the appearance and character of conservation areas. This would entail the identification of such buildings and structures on a statutory 'hit list' – Grade X listing. Grade X listed buildings and structures would be eligible for demolition/alteration grants where it helps to tip the economic balance and is seen to help with positive and appropriate regeneration.

We are very grateful for the opportunity to contribute to what we see as an important review. We look forward to the Government's response to the consultation.

George Ferguson, President
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