

Streamlining Listed Building Consent

The use of Management Guidelines

Management guidelines: objectives

- Tool for achieving positive, active management of listed buildings
- Based on defining and developing shared understanding of what constitutes 'special interest'
- Thus what does and does not need LBC
- Greater certainty for owners re scope for change

Purposes of 2000 study

- Assess potential of management agreements for streamlining listed building consent procedure
 - Efficiency
 - Certainty
 - Consistency
- Comparison with other consent regimes
- Monitoring impact of EH policy guidance

Chronology

- 1992 Willis Building model
- 1995 English Heritage guidance
 - Focus on large, post-war complexes
 - Application of principles of conservation area good practice to buildings – understanding as basis of decisions
- 2000 Study commissioned
- 2003 Publication

Extent of use in 2001

- 18 begun; 15 live
- Interest growing slowly
- 4 case studies
 - Office: Willis building
 - University campus: Sussex
 - Housing complex: Alexandra Road
 - Civic Centre: Newcastle

Positive experience of use

- **Process** of dialogue and understanding more important than document
- Minor change respects character, avoids need for LBC
- Major change proposed on basis of understanding
- Savings of time and cost for all
- Conservation positive not negative

Issues

- Public sector financial constraints – original spec difficult to maintain
- Need for initial investment of time to generate savings
- LPAs/ Secretary of State have no power formally to determine whether LBC needed
- Public scrutiny of proposals

Active v passive management

Passive: Designation imposes only need for consent for specified or any works (eg LBC)

Active: Designation initiates or is conditional upon strategy to maintain, recover, enhance significance (eg CA, SSSI, SAM, WHS)

What's wrong with LBC?

- Significance defined/assessed only in response to proposals for change
- Need for LBC a matter of judgement and interpretation; only courts can formally decide
- Yet consent granted by LPAs, with no requirement for specialist skills
- Proactive management, monitoring compliance with consent, a low priority
- Financial incentives for sound management insignificant

Principal barriers to management agreements

Lack of

- legal power to determine whether LBC is needed (unlike N Ireland) – a case for Regulatory Reform?
- policy backing for positive management –but see *Force for our Future*
- conservation resources in LPAs – action on surveys?

Conclusions

Management agreements have a role

- For large, often modern or C19 buildings, subject to dynamic use/frequent change
- Where there is a saving of resource over serial applications
- As exemplars of active, positive management of listed buildings
- Provided they can be given legal force
- Subject to advertising and time limits

What next?

- Report makes timely contribution to current review of heritage protection legislation
- Research into effectiveness of guidelines and problems with lbc informing review of PPGs.
- Outcome – removal of legal barrier?
- Government encouragement of positive management of listed buildings?
- More detailed guidance on need for LBC?
Our initial thoughts follow:

What needs LBC?

Work to a building of special architectural or historic interest that would

- diminish its integrity and value as an historic document
- change the form, appearance or integrity of any element or aspect of it that contributes to its special interest, including spatial character
- affect the structural integrity of the building, or in any way be likely to reduce its lifespan or that of any significant element of it
- change the form or appearance of any element that does not, of itself, contribute to character, but in a way that affects the context, setting or perceptions of that whose character is of special interest
- extend the building in a way that affects the context, setting or perceptions of that whose character is of special interest
- destroy a relationship between a building and its site that contributes to its character as a building of special interest

And what does not

- Works to a building of special architectural or historic interest
- whose impact on those aspects of its character which contribute to its special architectural or historic interest is neutral, essentially leaving it unchanged
- which affect only fabric not of special architectural or historic interest, and do not affect perceptions of the character of the building as one of special architectural or historic interest as a whole
- which are *de minimis* in their effect, for although the word 'affect' is not qualified by 'materially', as it is with regard to the need for planning permission, the law is not concerned with trifles. But whether the effect is *de minimis* is not a factor of the scale of the works, but their impact.