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Leila Brosnan
Architecture and Historic Environment Division
Dept. of Culture, Media and Sport
2-4 Cockspur Street
London SW1Y 5DH

30th May 2007

Dear Ms Brosnan,

Heritage Protection for the 21st Century

The Association of North Thames Amenity Societies represents twenty-two member societies in Buckinghamshire, Hertfordshire and Oxfordshire, and is affiliated to the Civic Trust. We have reviewed the white paper setting out proposed new measures for protecting features, buildings and monuments of heritage importance and we would like the following comments to be taken into account in the preparation of any associated legislation and guidance:

1. Heritage and Planning:

Whereas we welcome the merging of the present various systems for protection into a single register, coupled with greater transparency, we are concerned that protection of historic buildings and sites is being linked to current government proposals for changing planning control. The features to be protected should be recognised for their intrinsic value and should not be seen as a means of helping with the delivery of sustainable communities or government policies for increasing the rate of supply of new houses. The new system should be a robust stand-alone mechanism for protection of historic features whatever other policies are in place now and in the future.

2. National and Local Designations:

We understand that all features currently protected will be transferred to the new national protection register to be administered by English Heritage and note that local authorities will be encouraged to set up local designations. In principle we do not disagree with these proposals, but we do have two concerns. Firstly, features that in the past that would have merited national designation will not in future be accepted for such and will be left to local designation. Secondly, local authorities will see the setting up of local designations as a further imposition on their already over-stretched budgets and will not implement the proposal because it will not be obligatory.

3. Financial support:

We note the transfer of the administration of the new protection mechanism to English Heritage, together with the responsibility for training Local Planning Authority personnel in implementing the new scheme in conjunction with other planning procedures. In our view neither will be conducted successfully, nor will the improved performance sought be achieved, if government does not make specific funding available to English Heritage for both purposes. The element for training local authorities would be a short-term commitment, but continuing long-term funding of English Heritage to administer the system will be vital.

4. Amenity organisations:

We welcome the recognition of the role that amenity organisations can play in protecting the national heritage. However, in the sub-section on consultation new applications to the national list will be referred to *national amenity societies*. In reality it is the local branches or societies that are in the best position to comment; we suggest this is recognised in any government guidance. In addition, local groups and societies that have registered an interest should be able to nominate historic features for local designation and should automatically be consulted on all applications made to the local authority.

5. Certificates of Immunity:

We think that extending the present arrangements for granting these certificates needs very careful consideration. Making it possible at any time to obtain a certificate will encourage developers to apply for all buildings currently in their possession as a means of guarding against any subsequent local designation.

6. Notification of protection:

There appears to be a gap in the protection to be provided in future, principally for buildings. It is the experience of our members that much work on listed buildings, particularly interior alterations, is carried out without formal approval. This often happens on change of ownership. We are unaware of an established mechanism for alerting new owners to the protected status of their property and their obligations for obtaining permission for certain changes. We suggest that the most effective means of providing this information would be through the searches conducted by purchasers' legal representatives.

7. Trees:

We see no mention made to the specific protection of trees, only landscapes. Experience indicates that the loss of trees is often the greatest concern to local communities. This all too often happens in defiance of tree preservation orders or before planning restrictions can be imposed; payment of a fine is merely a small addition to the cost of developing a site. We think the white paper and any subsequent legislation should make clear and strengthen the future protection of trees.

We request that you take the above into account as well as the following answers to your questions:

Question 1: We have no objection to the merger of Conservation Area consent with planning permission, provided that local authorities are required to formally address the implications of an application site being located in a designated Conservation Area. We are not in a position to comment on amendment to the General Permitted Development Order.

Question 2: We have no objection to pre-application consideration of heritage issues and would support the publication of statutory guidance on the matter, but there would need to be total transparency. The public should have the right and means of knowing what is being said and agreed on behalf of the community before any formal consultation period.

Question 3: See our point 5 above.

Yours sincerely,

A.A.Sangster
Hon. Secretary