In addition to setting out proposals for legislative change, this White Paper (can be accessed at the DCMS - www.culture.gov.uk  DCLG - www.communities.gov.uk  Cadw - www.cadw.wales.gov.uk) asks for views in response to three questions:

**Question 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 General Permitted Development Order to reinstate levels of protection pre-Shimizu. (Shimizu judgement - partial demolition of an unlisted building in a Conservation Area no longer requires Conservation Area Consent)

**Question 2**
As a means of promoting early consideration of heritage issues in large scale developments, should there be new statutory guidance promoting pre-application assessment and discussion for all major planning applications which may affect historic assets?

**Question 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?

**Question 2 and 3** are not seen as raising issues that are particularly controversial.

**Question 1**, however, most certainly is. - The Answer to "Should Conservation Area Consent be removed as a specific consent and merged with planning permission?" is a resounding NO.

To do so would seriously risk undermining the core principle on page 7 of the White Paper (quoted as well in the Executive Summary, Summary of Recommendations and 1.3 Heritage Protection and Planning, Summary): "by putting the historic environment at the heart of an effective planning system".

The Historic Environment in very many towns, cities and villages up and down the land depends upon the positive contribution made by Local Heritage Assets that are outside the limited national protection regimes which exist. That is certainly true of our own town, Royal Tunbridge Wells, and it is encouraging to see in paragraph 23 of the White Paper that local designation is recognized as having "an essential role to play".

23. A new national designation regime is only one means of ensuring the effective management and preservation of our heritage. Local designation also has an essential role to play. Local designation provides a means for local communities to identify and to protect the buildings, sites and spaces that matter to them. It helps to build a sense of local identity and distinctiveness, a sense of history, place and belonging.
The means of achieving this effectively is through:

1) the designation of Conservation Areas under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (which is to remain);

2) the identification of those buildings that make a positive contribution (which is encouraged);

3) the application of demolition control through the Conservation Area consent system enshrined in section 74 of the Act, in accordance with the principles set out in paragraph 4.27 of PPG 15 (which must stay in place if the core principle is meant what it says).

The suggestion of “granting permitted development rights for demolition” of “all locally designated buildings”, put forward in paragraph 60 of the White Paper, would be likely to knock the heart out of the Historic Environment, as distinct from putting it “at the heart of an effective planning system”.

60. At the same time, we will strengthen the protection against demolition for locally designated buildings. We will do this by making the demolition of all locally designated buildings ‘development’ and by granting permitted development rights for demolition, leaving local planning authorities with the option of making an Article 4(1) direction to remove these rights where appropriate.

It is strongly urged that such a suggestion be dropped forthwith and the present conservation area control system be left in place, subject to welcome steps to reinstate levels of protection to pre-Shimizu.

Name: Dr Philip Whitbourn
Organisation: Royal Tunbridge Wells Town Forum (www.townforum.org.uk)
e-mail: improve-rtw@townforum.org.uk (Dr Daniel Bech)

Katharina Mahler / 9 May 2007

Responses, in the form of answers to these questions, should be sent to:

• England
heritagewhitepaper@culture.gsi.gov.uk

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