



## ***Conservation Principles for the Sustainable Management of the Historic Environment***

### **Historic England consultation**

Date: 2 February 2018

### **Introduction**

This was a Historic England<sup>1</sup> (HE) consultation<sup>2</sup> on a new amended and shorter version of *Conservation Principles*<sup>3</sup>, first published by its predecessor English Heritage (EH) in 2008.

#### **1. Are you responding on behalf of an organisation?**

Yes: the CLA (Country Land & Business Association).

#### **2. What area of heritage management does your work represent?**

The CLA has more than 30,000 members – not-for-profit, government, commercial, or private – who collectively manage or own at least a quarter of all heritage in England. The CLA is thus by far the largest stakeholder group of managers and owners of heritage. CLA policy strongly supports proportionate and effective heritage protection.

#### **3. If you have used the previous (2008) edition, is the draft document more or less clear to understand and use?**

A bit clearer.

#### **4. Comments on the draft document and Introduction**

4.1 The CLA has been consistently critical of the current (2008) edition of *Conservation Principles*, and was even more critical of draft versions which preceded it, for three main

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<sup>1</sup> English Heritage until 2014.

<sup>2</sup> this consultation can be found on the HE website, on the Closed consultations page (or the foot of the Guidance open for consultation page).

<sup>3</sup> The 2008 Conservation Principles is at <https://historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/>.

reasons: (i) its impenetrable language, (ii) its decision to employ terms different to those used in heritage policy and practice, and (iii) its failure to articulate effectively HE's adopted policy of 'constructive conservation'<sup>4</sup>.

4.2 The declared objectives in the Foreword to English Heritage's 2008 *Conservation Principles* were that it should:

- provide "a clear, over-arching philosophical framework of what conservation means..."
- "strengthen the credibility and consistency of decisions taken and advice given by HE staff... setting out the framework within which we will make judgements on casework"
- "help to create a progressive framework for managing change in the historic environment that is clear in purpose... constructive conservation."

4.3 These were welcome and necessary objectives in 2008, because heritage legislation and national heritage planning guidance (PPG15 from 1994, and PPG16 from 1990) were at least a decade old and, more importantly, reflected a traditional 'preservation' approach to heritage, based mainly on 'presumptions' against change, and on the paramount importance of 'expertise' rather than written policy. By the 1990s, that 'preservation' approach was being supplanted as best practice by the modern 'conservation' approach, based on analysis and conservation of significance, and on encouragement of the sympathetic change required to ensure that heritage remains valued, relevant, and viable, and able to generate (directly or indirectly) the significant income flow needed to pay for its maintenance. This 'conservation' approach is not just more nuanced and inclusive than the 'preservation' approach, but also much more effective at safeguarding heritage, and an effective *Conservation Principles* could have helped to bring this into wider use and been part of better heritage decision-taking on the ground.

4.4 English Heritage clearly also saw *Conservation Principles* as an English response to international conservation charters like the Venice Charter of 1964<sup>5</sup>. This too could have been helpful, provided it took forward the objectives set out in 4.2 above, not least because the change of approach from 'preservation' to 'conservation' was spearheaded by conservation conventions like the Burra Charter.

4.5 Unfortunately, what seemed to matter most to English Heritage was not the content but the language of conservation charters: *Conservation Principles* needed to be written in what it saw as the language of international conservation conventions. Draft versions, and also – despite widespread criticism – the final version, were written in vague and almost-meaningless jargon: the words 'place' – more than 400 times – and 'value' – over 300 times – have probably never appeared so often per page in any document, and parts of it (like paragraph 3.1, which reads "Any fixed part of the historic environment with a distinctive identity perceived by people can be considered a place.") are almost beyond parody.

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<sup>4</sup> Constructive Conservation is at <https://www.historicengland.org.uk/advice/constructive-conservation/>

<sup>5</sup> There is a large number of international conservation conventions – see for example the (incomplete) list at <https://www.icomos.org/en/charters-and-texts>, and Historic Environment Scotland's 1997 TAN08.

- 4.6 The language of *Conservation Principles* was widely criticised, and described by the Plain English Campaign as “pretty awful”. The high status on paper of *Conservation Principles* makes it a frequently-downloaded document, but the 2017 Pye-Tait report on HE advice<sup>6</sup> also identifies it as among HE’s ‘least-useful’ guidance, and quotes a planning consultant who describes it as “convoluted and incompatible with heritage protection legislation [and...] consequently not used by many local authorities...and...professionals”.
- 4.7 *Conservation Principles* largely failed to achieve the objectives in 4.2 above. EH/HE itself has produced alternative documents like *Heritage Works* and *Constructive Conservation in practice*, in addition to the planning guidance noted in the next paragraph. And several other organisations, finding *Conservation Principles* less than sufficient, have developed their own conservation statements, like IHBC’s *Conservation Professional Practice Principles* (2017).
- 4.8 Fortunately, the overall landscape of policy and guidance has improved radically since 2008. Since the National Planning Policy Framework (NPPF) and its Planning Practice Guidance (PPG) were published in 2012-14, England now has generally-sound national heritage planning policy, which was actively taken forward – to its credit – by EH. To this HE has since added consistent and generally-helpful new underlying advice in Good Practice Advice notes (GPAs), Historic England Advice Notes (HEANs), and elsewhere.
- 4.9 The yawning gap in conservation policy in 2008 (which *Conservation Principles* should have partly filled, but did not) therefore no longer exists. There may however still be a need, and a desire in some quarters, for some over-arching statement of conservation principles, and the 2008 *Conservation Principles* does not provide that.
- 4.10 Like some other heritage stakeholders, we are surprised that HE has taken this draft to an apparently-advanced stage without consulting at least key stakeholders on the faults in the previous version and the scope and key principles of a replacement. This creates an impression – rightly or wrongly – that HE believes that it has a monopoly of expertise and understanding and that the rest of the heritage sector would have little to contribute other than on points of detail. It also seems probable that this consultation will reveal at least initial differences of view on some of these issues, and it might have been more efficient to seek to identify and resolve these before detailed drafting began.
- 4.11 Measured against the 2008 version, the 2017 draft is a considerable improvement, mainly because it is compatible with the NPPF and its language is more comprehensible. Measured against what it could achieve, it is still significantly wanting. Our main concerns are:
- (a) Although now largely removed from the earlier arid terrain of ‘places’ and ‘values’, some of the language is still theoretical and confusing. Some specific instances are picked up below, but more generally it is important that the language of such a document is clear and immediately comprehensible to all users, including owners and the public, and that conservation is not seen as the fiefdom of remote ‘experts’, from which everyone else is excluded.

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<sup>6</sup> *Audience Insights: Review of Historic England’s online advice and guidance*, November 2017.

- (b) The document needs more positivity: heritage is not an obstacle to progress; it is (or should be) part of progress. It can usually be adapted to contemporary and future needs; much heritage has been repeatedly adapted, often adding to its significance; and sympathetic adaptation usually will be essential to keep it relevant, valued, viable, and in use. It is not sympathetic change, but failure to change, that is threatening. The draft does not convey this positive message sufficiently strongly.
- (c) The approach has moved on from seeing heritage as artworks belonging only to art historians, but the draft still does not adequately recognise that all the actors on the conservation stage matter, and that owners (charitable, public, commercial, or private), and occupiers and users, and the public, are not just sources of funding, but vital players in heritage's story. Their views and their contributions need to be taken into account. To quote Theodore Roosevelt's Sorbonne speech, "It is not the critic who counts, not the man who points out how the strong man stumbles...The credit belongs to the man who is actually in the arena, ... who does actually strive to do the deeds...". In particular, *Conservation Principles* needs to pick up and develop the principle in the Planning Practice Guidance that "if from a conservation point of view there is no real difference between [options], then the choice...is a decision for the owner" (PPG, paragraph 015, sixth sub-paragraph).

4.12 These principles need to be at the core of *Conservation Principles*.

## 5. Comments on Chapter 1, HE's Conservation Principles

### Chapter 1, Principle 1

- 5.1 The acknowledgement of the central role of owners in paragraph 8 is a major step forward.
- 5.2 Similarly, the statement in paragraph 9 that "Each generation should aim to shape and sustain heritage assets in ways that allow people to use, enjoy and benefit from them, without compromising the ability of future generations to do the same" is a major step away from freezing the past, potentially encouraging the creation of the heritage of the future while respecting what survives from the past. Given that of course all heritage was created by past human intervention, this is welcome.
- 5.3 Overall however this section still seems to have an inbuilt belief that heritage is a kind of universal cultural asset, and has no maintenance costs, and that its future is primarily a matter for 'experts'. That approach threatens its future survival, and needs to change (see 4.11 above).

### Principle 2:

- 5.4 The language of Principle 2 and paragraph 10 is improved, but paragraphs 10, 11, and 12 still repeatedly use the word 'place'. This should again be replaced with clearer terms like 'heritage'.
- 5.5 The acknowledgement in 11 that non-experts should, and can, add to the knowledge of experts is welcome and important. This approach may also encourage HE and LPA staff

to recognise that not only other views, but also other expertise, exist outside their own organisation or discipline.

### Principle 3:

5.6 The overall approach is welcome.

5.7 The first sentence of paragraph 14 is ambiguous because it could be interpreted as meaning that everything is, actually or 'potentially', of significance. This needs to be co-ordinated with the definition of heritage assets in the NPPF.

5.8 The opening part of paragraph 15 needs a reference to proportionality.

### Principle 4

5.9 Again, 'values' in the heading should become 'significance'.

5.10 This section still has an unworldly feel in which conservation is largely passive. For the goal – to “best sustain the asset’s significance [and] enhance that significance...” – to be adequate, it needs to be made explicit that this is not just a matter of a little academic study and minimum-impact maintenance: it will (at least where maintenance costs are significant) often involve proactive action to ensure that the asset is kept up to date and put to and kept in uses which will fund its ongoing maintenance. Adding more bathrooms to a house, or putting a redundant agricultural building to new commercial or residential use, are – provided significance is first analysed and then carefully sustained – not only not threatening to that significance, but the best or only way to conserve it.

### Principle 5

5.11 As already noted, the second sentence of paragraph 18 is a major step forward.

5.12 The greater stress on proportionality in paragraph 19 is welcome, but this needs to be more exactly aligned to NPPF paragraph 128.

## **6. Comments on Chapter 2, Understanding significance**

### Introduction

6.1 The lack of co-ordination between the four headings of significance in the NPPF and those in the 2008 Conservation Principles has been an ongoing source of confusion and criticism, and it is important that they coincide, as is proposed in the draft. The NPPF headings are not perfect (and should be reconsidered when possible), but consistency is important.

6.2 Paragraph 26 implies that any source of significance must be shoehorned into one of the four headings. There is some sense in this, in that it is easier for local authorities and other users to assimilate information if it is in a standard format, but what is significant about a heritage asset can vary considerably and it would be better to state (as in Introduction paragraph 4) that flexibility is needed where appropriate.

- 6.3 We have a concern about the apparent demotion of communal significance, which can be the main part of the significance of some heritage assets. It needs to be given more stress as a potential component of ‘historic interest’, and as above the text needs to indicate flexibility, so that a communal significance/interest heading could be added.

#### Historic interest

- 6.4 Paragraph 31 implies a strong preference for retaining or recreating the original use. This may be appropriate in some cases, but in others the original use may not be viable and encouraging or requiring it may threaten the viability and survival of the heritage asset. A change to a viable new use may safeguard significance much more effectively, so the wording needs to be adjusted (perhaps “can illustrate” rather than “illustrates”, and the second sentence should be modified or deleted).
- 6.5 Paragraph 35 obviously ought to be adjusted in the light of responses to HE’s separate consultation on ‘contested heritage’.

#### Architectural and artistic interest

- 6.6 The word ‘place’ needs replacement in paragraphs 42, 43, 49.

## **7. Comments on Chapter 3, Applying the principles**

- 7.1 We strongly support:

- (i) the point in paragraph 60 about the “critical” importance of “Finding uses that are sympathetic to its significance and supportive of its maintenance” (though the wording of the rest of this paragraph is perhaps a little convoluted).
- (ii) the statements in paragraph 62 that conservation may require “major change”, and that “change can be neutral or beneficial...[and] is only harmful if (and to the extent that) the asset’s significance is reduced”.
- (iii) the vital statement in 63 that “owners should not be discouraged from adding further layers...” (all heritage is of course the result of past change).
- (iv) the statement in 64 that “there is rarely a single right answer...”. However, the proposed wording still makes this appear to be a debate between competing ‘experts’, a debate from which those who actually look after, live or work in, and fund the maintenance of the heritage asset all appear to be excluded. This is obviously highly unsatisfactory, and it is very important to add here the Planning Practice Guidance policy that “if from a conservation point of view there is no real difference between [the options], then the choice...is a decision for the owner” (PPG, paragraph 015, sixth sub-paragraph).

Paragraph 69

7.2 This should cater for the possibility that there may be more than one 'optimum viable use'.

7.3 Again, the words 'significant place' should be replaced with 'heritage asset' or 'building'.

## 8. Comments on the Glossary

8.1 The Glossary should be debugged to remove most uses of the word 'place', which appears 29 times, including three times in just 15 words in the definition of 'context'.

8.2 The same obviously applies to the term 'significant place' (which is used in the draft only in paragraph 69, and in the glossary definitions of 'designation' and 'significant place', all of which should be removed).

8.3 Even after these changes, many of the glossary definitions will have little meaning to most users. Glossaries are supposed to clarify technical terms or jargon in the rest of a document; this glossary often makes them less clear. The definitions of 'architectural' and 'artistic interest' in particular need clearer explanation. The definition of 'place' is, as noted above, almost beyond satire – but fortunately, if the word 'place' as a technical term is removed from the rest of the document, the definition can be removed too.

8.4 Especially confusing is the varying use of the terms 'significance', 'value', and 'interest'. This has long been a source of confusion, and this draft does little to improve this. If they mean the same things, as it implies, then only one – significance – should be used.

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**For further information please contact:**

Jonathan Thompson  
Heritage adviser  
Country Land & Business Association  
16 Belgrave Square  
London SW1X 8PQ

Tel: 020 7235 0511  
Fax: 020 7235 4696  
Email: [jonathan.thompson@cla.org.uk](mailto:jonathan.thompson@cla.org.uk)  
**[www.cla.org.uk](http://www.cla.org.uk)**

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