

Bath Preservation Trust Statement to Cabinet on Sustainable development and retrofitting SPD for listed and traditional buildings, 11 September 2013

We welcome this document coming forward, and we have made detailed comments before, so I want to confine myself to commenting on the recommendations before you.

Having watched this develop in the 4 years now since the Trust embarked on Warmer Bath, I know that there has been some frustration in your sustainability team and Champion that in their view so little, relatively, can be done to retrofit listed buildings. Equally there has been frustration in your ever-diminishing conservation team that the constraints and statutory responsibilities which apply with listed buildings seem to have escaped the notice of those who deal with sustainability. This document probably feels to both sides to have elements of compromise but I believe that officers must be congratulated on reaching that position.

Looking forward, the document sets out what is possible and that should be embraced, rather than any continued fighting about what is not possible.

To that end I am very surprised to see a recommendation about lobbying Central government about historic environment legislation in this paper. I am surprised that the Council perceives that it has the resources to embark on something which is not really its remit and which is frankly unlikely to succeed. I am sure that you as a Cabinet are fully aware that the protection of listed buildings is governed by primary legislation; that the NPPF, which is guidance, not legislation, continues fully to recognise the protection of the historic environment; and that English Heritage continues to maintain that statutory protection and indeed to prosecute individuals and organisations – even Councils! - who do not fulfil their statutory obligations to look after listed buildings or who alter them inappropriately.

What this means is that, yes, there are limits to what can be done in listed buildings, but quite a lot CAN be achieved and any spare Council resources would be best applied to facilitating this. I would suggest that resources could be applied in two areas: first by ensuring that the planning department and conservation team is equipped to make professionally informed, legally compliant decisions on listed building consents for retrofitting in a timely manner, and secondly for B&NES to demonstrate by pilot projects in its own property estate how it wishes to lead the way as a Council responsible for such a high concentration of the nation's heritage assets.

I should therefore like to ask you to consider two changes to recommendation 2: first, in 2.1, by adding the word 'and Planning and Conservation teams' after the words 'Sustainability team' ; secondly in 2.2, removing the recommendation about lobbying government , which in my view unlikely to succeed and will potentially raise questions about whether Bath is fulfilling its legal and statutory duties towards its listed buildings.

Finally you might like to consider a recommendation which looks at the possibility of B&NES bringing forward pilot projects in the substantial number of listed properties in its own ownership with which can then demonstrate legally compliant energy efficiency projects in listed buildings. This really would show that you can lead the way, potentially nationally, in achieving successful, appropriate retrofitting in a World Heritage Site.