

## **Enterprise and Regulatory Reform Act: Secondary Legislation to accompany the Heritage Provisions - consultation**

Dear Sirs,

I am responding to this consultation on behalf of the London Forum of Amenity and Civic Societies, a registered charity established in 1988 to support and network over 100 community groups in the capital and to represent their views to the GLA and to Government. I am also a member of the Historic Buildings and Conservation Areas Committee of the London and Middlesex Archaeological Society.

We welcome this opportunity to comment on the three items of Secondary Legislation implementing the heritage provisions of the Enterprise and Regulatory Reform Act.

Our main concern relates to consultation with the community, which is very important since heritage assets are assets of the whole community, and not just of their owners and of regulatory authorities. We ask therefore for the national Amenity Societies to be consulted whenever there is a proposal for a Listed Building Heritage Partnership Agreement, or for a Local, or (a fortiori) a National, Listed Building Consent Order. The requirement should be clear and unequivocal.

Whereas the provisions for publicity and consultation in respect of Heritage Partnership and Consent Orders are generally good, those for Certificates of Lawfulness are not. The consultation document is, we maintain, wrong in equating these with Certificates of Lawfulness under the planning regime, because (a) the latter are determined according to the precise - often very precise - provisions of the General Development Order, with little room for judgement, and (b) there is no requirement for anyone to apply for a Certificate of Lawful Development (except in cases where there is a Prior Approval Provision) - since if a development is lawful it is so with or without a Certificate, and work done without planning permission is not a criminal offence. On the other hand whether a minor change to a listed building is lawful or not must always be a matter of judgement, related to significance; and if such a change is not lawful, it needs Listed Building Consent before work begins.

Therefore some, proportionate, publicity and consultation about them is necessary and should, we contend, be welcomed by local planning authorities, since it will reduce the danger of complaints when people see work taking place on a listed building which they, though not the Planning Authority, believe to be damaging. We therefore ask for the regulations to require applications for Certificates of Lawfulness to be given local publicity before any certificate is issued and if there is an appeal against the refusal of one.

Yours faithfully

Peter Pickering