

In a climate emergency, should energy efficiency become a legal duty for heritage buildings?



GROSVENOR

Heritage Adaptation & Energy Efficiency

Proposal 17 of the Government's Planning White Paper (2020) makes recommendations for the reform of planning law, policy and guidance, as well as building regulations, so that the challenges of climate change can be better addressed in the historic environment. It says:

We [...] want to ensure our historic buildings play a central part in the renewal of our cities, towns and villages. Many will need to be adapted to changing uses and to respond to new challenges, such as mitigating and adapting to climate change. We particularly want to see more historical buildings have the right energy efficiency measures to support our zero carbon objectives. Key to this will be ensuring the planning consent framework is sufficiently responsive to sympathetic changes, and timely and informed decisions are made.

The aspiration here for our historic building stock to play a full part in helping avert climate change is very welcome. Climate change must be at the forefront of decision-making in planning, given that 40% of greenhouse emissions are linked to the built environment¹.

We know that historic buildings retained and adapted with the right energy efficiency measures perform well compared to new buildings. This is because adaptation measures generally involve lower embodied carbon than new construction, and because many historic buildings have very good thermal mass and were built with excellent natural ventilation and for minimal heat loss². When taking a whole-lifecycle view of carbon emission, historic buildings can outperform new construction³.

Some say that historic buildings are not a big enough part of the problem. In fact, 23% of our domestic building stock pre-dates 1919⁴ making it the oldest in Europe. 500,000 buildings in England are statutorily listed, and there are many thousands more heritage buildings in the country's 10,000 conservation areas.

As some of the most well-loved prestigious buildings in the country, historic buildings also have a cultural value beyond their actual numbers. If carbon saving and climate adaptation becomes a priority for these buildings, this will have a wider social impact on our values and expectations. People want to live and work in old buildings, but they also see the climate emergency as a pressing reason for the right adaptation measures to be taken wherever possible to maximise energy efficiency and reduce carbon.

Despite this, efforts to adapt and improve the energy efficiency and performance of heritage buildings are often frustrated. This is because planning policy is not explicit enough on the imperative to mitigate the impact of climate change through work to existing buildings, and because policy, guidance and regulations are inconsistent, and inconsistently applied. This leads to complex planning negotiations and variable outcomes. The current planning process to enable carbon reduction in historic buildings is expensive, time consuming and confusing even for specialists in the field.

¹ <https://www.ukgbc.org/climate-change/>

² Cf. C Alan Short: The Recovery of Natural Environments in Architecture. Routledge 2017.

³ Historic England: Heritage Counts 2019- Re-Use and Recycle to Reduce Carbon

⁴ <https://historicengland.org.uk/content/docs/research/valuing-carbon-pre-1919-residential-buildings/>

1. What happens today?

1.1 Current practice

There are two interconnected issues which prevent carbon reduction measures in the historic environment from happening at pace: firstly, a culture of seeing physical interventions to historic fabric as harmful and unjustified, and secondly, a lack of impetus and consistency in policy, guidance and regulations.

Alterations to historic buildings to combat climate change are often perceived as inherently harmful to heritage significance by decision-makers, and such changes are sometimes not understood as a public benefit comparable with, for example, overcoming unequal access or creating additional floorspace. This sometimes blocks even the most carefully conceived adaptations to historic buildings.

When it comes to applying policy, guidance and regulations, we know that different authorities give different consents: double-glazing in historic window frames is acceptable to one local authority but not another. This is because guidance allows an individual assessment of each planning or listed building consent application even where proposals are identical and the relative impact on the building is comparable. Because policy and guidance is open to interpretation, the results are varied and appropriate desirable changes are often prevented.

In practice, adapting and improving historic buildings holistically, so they perform better but are not physically harmed, is complex. It requires a sophisticated understanding of their behaviour and performance over time. This coupled with a lengthy complex consent regime, and the lack of any express requirements to seek improvements, often results in many building owners choosing to avoid such changes.

1.2 Current law, policy, guidance, and regulations

The Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates a requirement on decision-makers for special regard and attention to the desirability of preserving listed buildings, their setting, and conservation areas (paragraphs 16, 66 and 72). This has an impact on decision-making where alterations, such as climate change adaptation, might not preserve or enhance every aspect of a historic building, and the Act is silent on this.

The NPPF (2019) addresses climate change and the historic environment as separate themes (chapters 14 and 16) with little cross-reference. Public benefits, required to balance 'harm' to heritage significance (which may occur when upgrading a building to reduce carbon emissions), include specific mention of a building's 'optimum viable use' (paragraph 196), but the public benefit of climate change adaptation is only mentioned in an introductory chapter (paragraph 8). This apparent disconnect between heritage and climate change furthers a perception that the public benefit of climate change adaptation is not greater than, for example, the economic benefit of adding an extension to a building.

Regional and local plans, aligned with the policies in the NPPF, have a tendency to ask for carbon reduction upgrades for new and major development. This is the case with new Draft London Plan where new development and major refurbishment fall under emission targets (S12), but historic buildings are not substantially covered under this policy. This

leads to planning decisions where no or minimal upgrades to historic buildings can be considered plan-compliant and acceptable.

Historic England guidance on the subject of historic buildings and climate change is detailed and valuable. However, it is also presented in a multitude of different documents, is word-heavy, and not as accessible to homeowners, builders, and time-stretched local authority officers as it should be. Whilst HE guidance is fundamental to understanding how historic buildings function and what alterations might harm their fabric or significance, it is currently disjointed, hard to access, and does not link back clearly to the NPPF's allowance for 'harm' set against public benefits.

Local authority guidance (SPDs and SPGs) varies considerably between authorities. Most SPDs and SPGs fail to address the importance of climate change and appropriate adaptation for historic buildings. In particular, the vast majority of conservation area appraisals and audits are out-dated (and only infrequently reviewed) and the content is presented in a restrictive rather than instructive manner.

Many SPDs and SPGs have no up-to-date guidance on fast-evolving carbon saving measures such as thermal insulation technology or production of renewable energy. Consequently, local authorities sometimes refuse consent because they are unsure if proposals are appropriate or may consent proposals that are harmful and inefficient. Part L1B and L2B of the Building Regulations provide a get-out clause for historic buildings. This applies to listed buildings, conservation area buildings, and other heritage assets (in essence, all historic buildings). This often prevents many carbon reduction measures to historic buildings where conservation officers insist that such works are not appropriate.

In summary, ambiguity and inconsistency in planning law, policy, guidance and the building regulations lead to mixed outcomes. They include at best careful and effective adaptation of historic buildings, and at worst, no changes or even very damaging changes where the restrictions of the planning framework are either over-interpreted or ignored, or where alterations to the fabric can actually make the energy-efficiency worse. In the context of a climate emergency, this situation has to change.

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2. So what could be done?

There are a number of practical ways forward. They will have varying impacts on historic buildings and carbon targets and could be implemented stand-alone or (some) in combination. Six options are set out below.

A Stay as we are & adapt carefully

Retain the various caveats and get-out clauses in policy and regulations. Continue to adapt historic buildings carefully as per the current Historic England guidance, assessing each building on a case-by-case basis, and requiring individual justifications and consents. This will protect all or most heritage significance as a rule. But it will not favour faster or more consistent permissions, nor more impactful, pioneering solutions. As a consequence, it is likely that the carbon saving impact from ongoing use of historic buildings will be very limited.

B1 Streamline law, policy & guidance

Make specific changes to planning law; including national, regional and local planning policy; and to guidance by Historic England and local authorities, so it is clear and consistent, removing blanket get-out clauses. Include historic buildings in carbon reduction policies and ensure that such changes are given clear and compelling weight as material considerations when balancing the proposals against any harm to the significance of the heritage assets and to their settings. This could mean that alterations which have low or no impact on heritage significance are identified, with a presumption in favour of approval. The heritage asset consenting regime would remain on a case-by-case basis, but there would be the potential for more consistent decision-making on a range of measures where the potential for 'harm' to heritage is low (for example if they are reversible or affect areas of lesser significance).

B2 Simplify & visualise guidance

In tandem, make the guidance supporting the policies, especially that issued by Historic England, much easier to access, visual and definitive, so that this helps building owners to make informed choices, and so that decision-making can become more consistent. Consider an interactive model approach, and/ or a system based on drawings and graphics rather than words alone, to reach a wider audience and be more impactful.

C Make carbon reduction in historic buildings a legal duty

Amend national and regional/local planning policy to explicitly state that energy efficiency is a public benefit and introduce policy at each plan level setting out that renewable energy generation and energy efficiency measures are now positive requirements for all buildings, including historic buildings.

D1 A presumption in favour of impactful measures

Include in national and lower-tier planning policy a presumption in favour of expert-approved measures for energy generation and emissions reduction in the historic environment. Such work could include building-type specific measures which are proven to cause no (or minimal) harm to the historic buildings, including their significance and setting, and blanket presumptions in favour of fully reversible energy creation measures.

This option requires that existing research and expertise is brought together to set a framework, and to capitalise on the currently dispersed knowledge of what can work in the historic environment, including laboratory-style testing of certain measures per building type.

D2 Exemptions for non-designated heritage assets from consent regime

Expand permitted development rights for conservation area buildings and other non-designated heritage assets (NDH) where measures that are proven to be energy efficient and not harmful to a building's physical fabric are allowed without planning permission.

Through an amended prior approval process, this could extend to such works even where they might otherwise be considered to cause 'less-than-substantial harm' to the conservation area (such as sensitive double or secondary glazing), so long as these measures are shown to be both carbon effective and not harmful to the long-term survival of the fabric of the building. This would enable a significant number of heritage buildings to be fitted with carbon reduction and energy generation measures without lengthy consent requirements.

'There should now be explicit statutory and policy requirements for carbon reduction measures in the historic environment.'

3. What do we think should change?

It is clear that current practice in the field of climate change adaptation in historic buildings is inefficient and leads to mixed results. There can be little doubt that, if things continue as they are, very little improvement will be achieved. Option A to 'continue as we are' would provide only minimal climatic improvements to the historic environment and therefore cannot be the right answer in the context of the recognised climate change emergency.

Option B, to streamline law, policy, and guidance, would without doubt remove some confusion and inconsistency from decision making. But it would retain the reactive, case-by-case approach to planning where often limited heritage harm is likely to trump carbon reduction, as is often the case now. Grosvenor believes that stronger intervention should be brought forward.

Our recommendation is that in the face of a climate emergency there should be explicit statutory and policy requirements for carbon reduction measures in the historic environment.

This (option C) would mean that applications for certain changes to historic buildings should include carbon reduction as a matter of course, and that building owners would need to plan ahead for such improvements.

At the same time, the Government (including through the NPPF) should actively encourage Heritage Partnership Agreements to expedite agreed carbon reduction measures across larger estates and land holdings; and guidance for carbon reduction in historic buildings must be made more accessible, visual and definitive to help bring forward the most effective and least harmful measures.

We believe there is also merit in exploring new permitted development rights for proven energy efficiency measures to heritage buildings and buildings in conservation areas (option D). We appreciate that heritage value could be lost if this were handled poorly, and that it would need careful planning. However, much of England's historic building stock follows patterns and typologies which do make it suitable for group treatment.

4. Who needs to do what?

4.1 Changes to Legislation

Government should introduce changes to relevant legislation which make clear that carbon reduction and energy efficiency objectives apply to the whole of the built environment, including heritage buildings. This could be achieved through amendments to section 19(2)(a) of the Planning and Compulsory Purchase Act 2004.

4.2 MHCLG

NPPF (and the PPG)

The new or amended NPPF should include specific policies for carbon reduction in relation to all existing buildings, including heritage assets. This should be explicit that carbon reduction and energy efficiency measures are an important public benefit that can be levied against harm to heritage significance. Should the existing NPPF policies be retained, this could be through an addition to paragraph 196 (shown underlined):

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use or through providing effective carbon reduction or energy efficiency measures.

Additionally, the NPPF should include a policy to support and encourage Heritage Partnership Agreements which include carbon reduction works, and state specifically that HPAs should be set up for all suitable buildings and estates as soon as possible. This can be further supported by additional express guidance in the PPG with links to appropriate Historic England guidance and support.

Building Regulations

Part L of the Building Regulations could be redrafted for existing buildings to align with new planning policy and law, and state that: 'energy efficiency requirements apply to all historic buildings, unless they would cause substantial harm to their heritage significance, as defined in the NPPF'.

In addition, MHCLG could consider whether a form of permitted development for a nationally agreed list of carbon reduction measures across specific building types should be brought forward to allow speedier and more impactful interventions.

4.3 Regional and local planning authorities

Regional and local plans would need to ensure that their policies are aligned with those in the NPPF and the law, set out above.

4.4 Historic England

To support the new policy and legal requirements set out above, applicants for building projects and building owners need easily accessible and more definitive guidance. While this is not part of the remit of the White Paper, there is a requirement for such guidance to be visual, digestible and clear, and it would directly support the PPG.

This should be a key priority for Historic England as the government's advisor on the historic environment. The wealth of information and expertise they hold is a crucial resource and they should be given the funding and IT to make high quality guidance available to us all.

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