

English Heritage commentary on the recommendations in 'Averting Crisis in Heritage: CLA Report on Reforming a Crumbling System'

15 July 2011

We note and support the recurring concern within the CLG report regarding the current level of resources available nationally to operate the heritage protection system, particularly with regard to the levels of conservation staff within local authorities.

5. IMPROVING THE SYSTEM WITHOUT LEGISLATION

5.1 National Planning and NPPF:

EH **strongly supports** the CLA view that the Govt should incorporate PPS5 principles into the NPPF, that Government should endorse supporting guidance and that imperfections need to be addressed.

EH is **already working** with the Historic Environment Forum on guidance and the CLA is already providing a valuable input into that process

5.2. Skills in local authorities

EH **strongly supports** the CLA view that local authorities (LAs) need to be convinced of the danger of further staffing cuts and that LAs need to be helped to find new models for delivery.

EH is **about to issue** the latest staffing figures for LAs in conjunction with ALGAO and IHBC. We are already working with the LGA, ALGAO, POS and IHBC on ways of delivering historic environment services in new ways (HELAC project).

5.3 Defining what needs LBC

EH is **interested in exploring** how the need for LBC might be reduced through guidance on what requires consent. We can see that it might be difficult to produce hard and fast rules for the immensely variable resource of historic buildings and sites, but if a way could be found in a way that did not lead to uncontrolled loss of significance, in partnership with a broad range of interested organisations, we would be supportive.

5.4 Applying Constructive Conservation

EH **agrees** that communicating the 'Constructive Conservation' message is vitally important. It has been doing this through a range of publications, web material and through training over a number of years. More could be done and EH will explore with CLA and other partners, how this can be done in the most effective way with the limited and reducing resources available.

EH **will seek to ensure** that Government Policy is compatible with Constructive Conservation. It believes that its own guidance is already compatible and that

significance and proportionality are addressed appropriately, but will look at any evidence of incompatibility and address those differences at the earliest opportunity.

EH believes that where less significant heritage is involved, we do not seek 'completely perfect solutions' and that we are realistic and do not take impractical 'hard line' views that result in disinvestment and dereliction. We would **welcome discussion** with CLA on the underlying evidence for the assertion, so that we can examine the evidence.

5.5 Key role of guidance

EH **recognises the need to review guidance** and will do so in the light of the NPPF which, along with legislation and regulation, will set the framework within which all its guidance will need to sit. This work was already underway following the publication of PPS5, but needs to be re-started with the arrival of the NPPF. EH will wish to share its findings with the Historic Environment Forum, which includes the CLA, at the earliest practical opportunity. EH will need to refresh some guidance and will prioritise the work within its overall resources.

EH has not hitherto been aware of strong demand for guidance on residential heritage. We will take soundings to see if there is a demand that is not already met by good quality guidance from a range of appropriate sources and form a view as to whether further work is required.

5.6 Importance of stakeholder consultation

EH **agrees** that consultation with stakeholders is important and takes a balanced view on the benefits of consultation in the case of each publication. Increasingly, EH is working in partnership with other relevant organisations right from the start of the process. We will discuss with HEF whether the proportionality we already apply is appropriate, or whether this needs to be adjusted. EH's current position is based on a recognition that many organisations in the sector are very stretched and do not have the resources to respond to all of the outputs of EH.

5.7 Conservation Areas

EH is **currently consulting** on revised guidance in relation to Conservation Areas. We will await the outcome of that consultation before deciding how best to develop this area of work. Early indications are that the 2005/6 guidance is thought to be helpful but that changes in a few areas would be helpful.

EH is **not convinced** that grading the 9,500 conservation areas would result in a more effective use of resources and a less bureaucratic system, but we are happy to explore the idea with CLA and any other organisation that feels this proposal has merit in order to reflect local views.

5.8 Local listing

EH has **consulted widely** on our draft guidance on local listing. CLA views will be considered, alongside others, in drawing up the published version of the text. EH agrees that proportionality is vital in relation to local listing.

5.9 Enforcement and prosecution

EH is **working on guidance** for prosecution with a number of stakeholders, including the police, CPS and Magistrates Association. We will explore the possibility of DCLG 'badging' the document, but will publish it even if this is not forthcoming.

EH has **launched the Heritage Crime Initiative** and will continue to work with local authorities and other relevant parties to encourage the use of enforcement, where appropriate, to protect the historic environment.

EH **remains to be convinced** that a 10 year enforcement limit for LB enforcement and prosecution would strike the right balance between protection, freedom and viability. The implications are not yet fully understood. EH would be happy to explore those with interested parties.

5.10 Heritage at Risk

EH **welcomes the support** for Heritage at Risk and will continue to focus its scarce resources on address buildings and sites most at risk.

EH's Enabling Development guidance is already in train **to be reviewed** in the light of the NPPF to ensure it links in appropriately to the emerging national policy.

5.11 NHPP

EH **does not share** CLA's view of the narrowness of the NHPP and believes it is the broadest, and most transparent, set of priorities for managing the historic environment it has ever produced. It covers the full range of what we do to protect England's heritage directly including grants, statutory planning advice and our support for local authorities, as well as research and designation (which comprises only about 15% of the total resource commanded by the NHPP). We welcome CLA's active role on the NHPP Advisory Panel and will work with CLA to explain how the Plan will work across its full activity range and how organisations such as the CLA can influence its future iterations.

5.12 New Designation

EH **welcomes** CLA's support to help reduce vexatious applications for designation. CLA's suggestion that guidance should say that designation should be proportionate is a little difficult to grasp. The criteria for designation are mostly set by law and are inherently proportionate in that they only include what is 'special' or 'important'. EH would be **interested to know** where the CLA feels existing and emerging guidance fails to reflect this.

EH **recognises that it is important to create as much certainty as possible** when assets are designated. It is **not possible to do this without a change in the law**. This

has been **part of EH's proposed reforms** of the system for some years and an appropriate opportunity to make the change in the law is being actively discussed with Government.

6. LEGISLATION

6.2 A more impact-based LBC system

EH is **interested in exploring** ways in which unnecessary applications can be removed from the system, to free up time to deal with those where the significance of heritage assets is potentially threatened. We would be interested to know more about the CLA's ideas. We have been **actively involved** in the Penfold Review and will work with DCMS, DCLG and BIS on any work they take forward on streamlining consents.

6.3 Terminology

EH **supports** the CLA's view that the language used in PPS5, expected to follow through to the NPPF, represents current good practice and will encourage Government to move towards a consistent use of these new terms wherever opportunities arise.

6.4 Scheduled Monuments

See 6.1 above.

6.5 Designation Issues

EH **already consults** on every designation application and DCMS offers a review process. They are not legal requirements, but they are as effective.

EH **supports** the proposal for a proportionate and reasonable system of interim protection.

EH **is not convinced** that giving discretion not to designate heritage assets will create a better system. The planning, LBC and CAC systems all ensure that discretion can be applied to decisions about change and this allows designated assets to be altered or removed where appropriate.

EH **supports the abolition** of Conservation Area Consent and its merging into planning applications.

EH **supports the call for Shimizu issue to be addressed.**

EH **assumes that Government will want to review** the Demolition Circular 10/95, along with all other circulars and regulations as part of its planning reform and will work with it to ensure any changes result in a more effective and efficient system.

EH **welcomes the support** for Heritage Partnership Agreements and accepts that they will not be useful in many situations, but will provide significant benefits for some owners.

EH is **awaiting DCLG's response** to the fees issue in relation to LBC and planning advice more generally.

7. SKILLS AND INFORMATION

7.0 General

EH **shares the CLA's desire to better address skills issues** and is devoting significant resource to this concern. EH will continue to work with all relevant partners in the heritage and skills sectors to deal with the issues. The NHPP funding will be helpful in this respect.

8. HELPING THE MARKET TO PAY FOR HERITAGE

8.1 The costs of heritage

EH **will continue to work with the HEF** and other partners to better understand the economics of conserving and managing heritage. The sector-wide Heritage Counts process has provided a strong focus for this, and future research will return to this important topic. Nevertheless, we believe that the work required to identify the total costs incurred (and the net contribution to the public purse effectively made) by private owners of heritage assets would be disproportionate to the benefits achieved by such research.

8.2 and 8.3 Heritage at Risk and the HLF

EH acknowledges that its ability to grant aid HAR which is privately owned (and record in so doing) is critical. EH must also ensure it **retains flexibility to offer assistance where it is most needed** and will work closely with other funders, including the HLF, to ensure buildings and sites most at risk are given assistance. It is worth noting that in 2009/10, 23% of the total grant offers made from our Historic Buildings, Monuments & Designed Landscapes Scheme were to private owners.

8.4 Heritage at Risk: increasing the outputs

EH is **keen to explore** any ways of delivering assistance in a more cost effective way, including procurement and project management.

8.5 Heritage at Risk: traditional farm buildings and other rural heritage

EH **notes** that Government is addressing rural planning issues through the NPPF. We **welcome the CLA's support** for CAP reform and a greater focus on public goods including heritage and landscapes

9. TAX ISSUES

9.1 The taxation of heritage

These recommendations are aimed at HMRC. EH **supports VAT reform** in relation to the historic environment.

10. CLIMATE CHANGE MITIGATION

These recommendations are aimed at Government. EH **agrees that climate change needs to be addressed** and will continue to devote considerable resource, as outlined in the NHPP, on providing support, guidance and technical research to ensure that the historic environment can play its part in reducing the impact of climate change in a way that does not affect its significance.

English Heritage
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