

Transforming Heritage Protection

English Heritage and the Heritage White Paper

Peter Beacham *Heritage Protection Director, English Heritage*

After three years of consultation and testing, the government is about to recommend how England's heritage protection system should be modernised.

We are at a decisive moment in the process of reforming the way we protect and manage our historic environment. After three years of review, consultation and testing the Heritage White Paper will soon set out the government's thinking on the way ahead, including legislative change. Whether this White Paper will succeed in transforming the system and help change perceptions about the sector, only time will tell. English Heritage believes there is a strong case for decisive and radical change to affirm the vital role of the historic environment in our local and national life.

Why reform? Some fear if we embark on major change we shall risk eroding the statutory protection for the historic environment so hard won over the last century. This cannot be the case. The government gave an assurance at the start of the Heritage Protection Review (HPR) that there would be no diminution of current levels of protection: English Heritage and the sector will hold government to account to ensure that pledge is kept. And the sector itself is now robust enough to argue its case from a position of strength and common purpose. It has come of age in drawing together its disparate threads to become a coherent force concerned as much for our future as our past.

English Heritage believes the case for major reform is proven. The government's consultation paper *Protecting the Historic Environment: Making the System Work Better* of 2003 laid down the main planks of reform: unifying the designation regimes into a new Register of Historic Sites and Buildings in England (RHSBE); stream-lining heritage consents; offering

statutory management agreements; and improving local authority delivery based on statutory Historic Environment Records (HERs). The response to the consultation indicated a broad consensus firmly in favour of these proposals and government accepted the force of the argument in their decision report *Protecting the Historic Environment: The Way Forward* in 2004: it became a Labour Party manifesto commitment for the 2005 general election.

Not the least of the necessary reforms will be the increased openness and accountability of the system: one of the reasons why the present system is criticised is the perception that it does not measure up to the demands of modern governance and human rights legislation in several important aspects, especially the listing and scheduling processes. What is more, the proposed reforms have been thoroughly tested. Over the last two years, and at government's request, English Heritage has been working out how these changes would apply to real-life sites, buildings and landscapes. We did not choose the easy targets, rather we went for some of the most complex and difficult. We were also looking for owners, managers and local authorities with whom we could explore a better way of working in partnership and developing a shared vision for the future management of assets over the long term instead of fire-fighting on individual designations and heritage consents.

So we chose London Underground as well as British Waterways; Cornwall County Council Highways Department as well as the National Trust; Centre Point and the University of East Anglia alongside Arnos Vale cemetery and the

Lake District National Park; Darnall Steelworks in Sheffield and York City Walls; the Godolphin, Weld and Holkham estates; and, of course, to show we intend to lead by example, one of our own sites, Kenilworth Castle. The reformed system would also apply to ecclesiastical sites and buildings and the marine environment. So we are currently extending our pilots to embrace examples of these at Canterbury and Rochester cathedrals and precincts as well as groups of parishes in the dioceses of Bath and Wells and Lincoln. And the marine environment will be the subject of parallel UK-wide legislation under the current Marine Bill.

What is emerging is encouraging and positive. The new designations will significantly clarify the significance of the historic assets: that in turn gives much enhanced certainty to owners and managers about what matters and why, and whether there are degrees of significance that can help guide future management and development. The consent process itself could be much simpler and less confusing with overlapping designations stripped out, regulation more sharply focused and open to more scrutiny. Where they are appropriate, statutory management agreements – currently termed Heritage Partnership Agreements (HPAs) – eliminate unnecessary regulation by the pre-agreement of certain works and develop effective partnerships between owners, managers, local authorities and English Heritage. Amenity groups have generally found the opportunity to engage in the drafting of such HPAs as a constructive way of continuing their vital role of scrutiny.

Most significantly of all, it is local delivery that is potentially strengthened, so achieving

greater consistency of practice, building on our recent local capacity building initiatives such as Historic Environment Local Management and Historic Environment Champions. The clearer designation base builds confidence about what is being protected, and why. Making local authorities the single gateway to the new heritage consent process gives local planning authorities (LPAs) an increased sense of ownership of the system with English Heritage engagement as appropriate. And the requirement that every local authority will have a statutory duty to establish, or have access to an HER will be a crucial base for all this, especially since the links to the e-heritage and e-planning worlds will become ever more important: our research shows that making HERs statutory will be affordable at modest investment levels.

The government is currently researching other aspects of the implementation of the reformed system with a particular focus on resources for local delivery. English Heritage believes an invest-to-save approach will prove essential. There are demonstrable efficiencies to be recovered from the reforms outlined above, but they require up-front investment: for example, HPAs involve significant set-up costs but could run for 10 or 20 years recouping that cost many times over in savings with pre-agreed consents. English Heritage believes the historic environment deserves a statutory system that recognises the increasing competence and maturity of the sector, its partners and stakeholders: the evidence for our case is set out in the following pages. A once-in-a-generation opportunity must not be missed.



© London Underground

The interior of Cockfosters station on the Piccadilly Line.