

## Summary of suggestions for change

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### The List of Historic Sites and Buildings of England

- Bring together the different regimes for protecting the historic environment into a single List (the "List of Historic Sites and Buildings of England"). (Paragraph 24)

### Responsibility for designation

- Give English Heritage the statutory responsibility for maintaining the List subject to four safeguards: English Heritage required to act within published Government listing policies and criteria; a power for the Secretary of State to call in exceptional cases for her decision; a new right of appeal for owners and applicants (see below); and a requirement for English Heritage to give an annual account to the Secretary of State of its stewardship of the List. (Paragraph 30)

### Criteria and discretion

- Allow discretion and discernment in deciding what shall be on the List, other than economic considerations. Enable consideration, at the outset, of whether a site or building should be recorded, rather than listed. (Paragraphs 33 and 36)
- Continue the grading into I, II\* and II but consider over time whether all those buildings listed at grade II rightly belong on the unified List or might migrate to local authority lists, with appropriate safeguards. (Paragraph 38)

### Making listing more transparent and removing uncertainty

- Show in the List entry on a map exactly what area and structures are covered by the listing. (Paragraph 41)
- Provide a "statement of significance" in the List entry showing the reasons for the listing, what is significant about the asset, and indicating the works for which consent would be needed. (Paragraph 41)
- Provide a statement of reasons for each decision not to list. (Paragraph 41)

### Openness and protection

- Require owners, local authorities, amenity societies, parish councils and the public to be informed and consulted when a proposal is made to place an asset on the List and provide protection during the consideration of listing as if the asset were already listed. (Paragraph 45)

### Better information for owners and tenants

- Supply owners with a more comprehensive information pack explaining what listing means and what they can do to protect and enhance their asset. (Paragraph 46)

### Appeals

- Provide a new right of appeal against listing decisions. (Paragraph 50)

### Management and control

- Establish a single flexible consent regime for all items on the new List (apart from the local section of the List). (Paragraph 53)
- Specify more precisely at the designation stage what works would and would not need consent. (Paragraph 55)

- Provide, for items on the new List, the opportunity for some owners to enter into a management agreement with English Heritage, and, in appropriate cases, the local authority as an alternative to the consents regime. (Paragraph 56)
- Promote joint agreements covering both environmental and heritage protection in rural areas. (Paragraph 57)

### Planning

- Provide for regional spatial strategies to set out policies for each region, reflecting any government strategy for the protection and management of the historic environment. (Paragraph 61)
- Issue guidance to make clear what plans district and unitary authorities will be expected to develop for the protection and enhancement of their historic environment as part of their LDF and sustainability planning. (Paragraph 62)
- Encourage local authorities to provide appraisals for their conservation areas and to involve the community in expressing what it values in its conservation area and how the area could be enhanced. Invite residents to take the initiative in drawing up appraisals. (Paragraph 64)
- Consider existing controls over demolition as part of the research currently underway for the ODPM review of the General Permitted Development Order. (Paragraph 65)
- Consider, within the ODPM reviews of the General Permitted Development Order (GPDO) and of planning fees, the issue of compensation to owners in conservation areas where permitted development rights have been withdrawn and the payment of fees for planning applications. (Paragraph 66)

### Resources

- Examine further how to strengthen local authority expertise and capacity, perhaps through the development of a pooled sub-regional resource. (Paragraph 76)
- Animate a debate about the skills, knowledge and experience needed to achieve the improvements anticipated in this paper. (Paragraph 79)

## List of questions for consultation

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- Q1.1 Would a unified List for England improve existing arrangements?*
- Q1.2 Is a power at national level to designate areas of historic importance necessary or useful? What would it add to the present conservation area designation? What issues would need to be resolved?*
- Q2.1 Are the suggested safeguards sufficient to allow English Heritage to become responsible for maintaining the List?*
- Q2.2 What other options might there be? For example, might English Heritage establish some form of independent committee to make the designation decisions? How would CABE's advice on post-war buildings be factored in?*
- Q3 What criteria should be used to determine what items should be placed on the List?*
- Q4.1 Should the present gradings of I, II\* and II be retained?*
- Q4.2 Should some of the items at grade II move onto local lists? What safeguards would be needed?*
- Q5.1 Would a requirement for statements of significance help to establish for owners and local authorities what was important to conserve? How could the statements take account of the inevitable changes in values over time?*
- Q5.2 What should be the process for drawing up statements of significance for existing listings?*
- Q5.3 Should maps take the place of the present definition based on curtilage?*
- Q6.1 Should the listing process become open and who should be consulted on an application?*
- Q6.2 Might there be different requirements for private properties which are lived in?*
- Q6.3 Should protection be applied during the period when listing is under consideration?*
- Q7.1 Should there be a right of appeal? In what circumstances would a right of appeal be justified?*
- Q7.2 Should the suggested right of appeal apply just to owners or to other interested parties as well?*
- Q8.1 What kind of consent regime will be most appropriate for a unified List? Should English Heritage seek to define individually at the time of listing what works will or will not require consent or should only generic rules be applied?*
- Q8.2 What generic arrangements would be suitable for historic areas?*
- Q9.1 How feasible are management agreements as an alternative to statutory consents and in what circumstances could they be most useful? What would be the essential components of such agreements?*
- Q9.2 What safeguards are needed to ensure openness and rigour?*
- Q10 Should the Government provide for joint agreements covering the natural and historic environment (such as are now available under agri-environment schemes) to be recognised in statute as an alternative to consent requirements?*

- Q11 How can the national interest in protecting important archaeological sites best be reconciled with the needs of farmers?*
- Q12 What would be the most helpful ways within the new Entry Level and Higher Tier schemes of encouraging farmers to protect the historic environment?*
- Q13 What planning guidance on protection of the local historic environment would be of most value to local residents, authorities and developers?*
- Q14 What would be the most productive way of encouraging local authorities to undertake conservation area appraisals? What might be done to encourage them to set out bolder policies for enhancing rather than just preserving their conservation areas?*
- Q15 Should there be a mechanism for preventing demolition of locally listed buildings without consent? Should this be linked to development proposals? What safeguards would be needed to ensure the quality of local lists?*
- Q16 How could an effective sub-regional team be created? Should it be primarily about developing guidance and sharing best practice or about facilitating casework and providing support to local authorities? What would be the benefits and downsides?*
- Q17 What are the important skill gaps and what action would be most effective to bring about swift change?*

## Code of Practice for Consultation

This consultation is being carried out in accordance with the Government's Code of Practice for written consultation, available on the Cabinet Office website. It meets the following criteria in the Code:

1. Timing of consultation should be built into the planning process for a policy (including legislation) or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.
2. It should be clear who is being consulted, about what questions, in what timescale and for what purpose.
3. A consultation document should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.
4. Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals.
5. Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation.
6. Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken.
7. Departments should monitor and evaluate consultations, designating a consultation coordinator who will ensure the lessons are disseminated.