

AGENDA ITEM 6

Review of Heritage Protection

To: Buckinghamshire Historic Environment Forum

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A. PURPOSE OF THE REPORT

- 1 To inform the Forum of the Ministerial Decision on the Review of Heritage Protection and the subsequent consultation on proposed BVPIs for the sector and Ministerial letter promoting the appointment of historic environment champions.

B. PROPOSED ACTION

2 The Committee is invited to:

- a) **NOTE the Ministerial Decision on the Review of Heritage Protection and its possible implications for Buckinghamshire.**
- b) **continue to MONITOR provision for archaeological and built conservation within Buckinghamshire's local authorities to identify any threatened reductions and encourage development to at least national average provision.**
- c) **REVIEW progress with appointing historic environment champions.**

C. RESOURCE IMPLICATIONS

- 3 Research previously reported to this forum indicates that professional provision for archaeological and built heritage conservation in Buckinghamshire's local authorities is at or below national averages, which are themselves generally recognised to be below what is needed. Proposals for capacity building are therefore to be welcomed whereas additional obligations could not be absorbed within existing budgets.
- 4 The short-term package measures (see below) proposed prior to legislation in 2006/7 would not have significant resource implications.
- 5 The longer-term package (see below) will, if implemented, have unquantified but significant financial implications involved with:
 - Administering a unified consent regime

- Establishing and maintaining local lists
- Establishing, maintaining and making more widely accessible a fully fledged Historic Environment Record

D. SUPPORTING INFORMATION

6 A Ministerial Statement by Heritage Minister Andrew McIntosh has set out the Government's intention to implement a major reform of the heritage protection system. The changes will have significant implications for the historic environment of Buckinghamshire, its local authorities, specialist archaeological and built conservation services and owners of historic sites and properties. The statement represents the latest step arising from a consultation process initiated by the Government in 2000, commitments made in the Government's policy statement "*A force for our future*" published in November 2001, and the consultation paper "*Protecting our historic environment: Making the system work better*" to which the County Council responded in October 2003.

7 The Ministerial Decision Statement runs to 27 pages and includes 20 specific decisions. For the purposes of implementation, these are divided into a **Short Term Package** not requiring primary legislation and to be commenced in April 2005 and a **Longer-Term Package** requiring primary legislation to be the subject of a White Paper and put before Parliament probably in 2006/7. The key outcomes are:

8 **Short Term Package**

- English Heritage will take over the administration of the current listed building systems from the Department of Culture, Media and Sport (DCMS) in April 2005, subject to approvals and a formal review process.
- English Heritage will consult owners and local authorities on all applications to list.
- A "summary of importance" will set out the reasons for each new listing and a map will show the extent of the listing.
- An information package will be supplied to owners.
- The criteria for listing buildings will be reviewed.
- English Heritage will co-ordinate pilot partnerships of themselves, local authorities and other relevant parties in a sub-regional grouping.
- The *Ancient Monuments (Class Consents) Order 1994* will be reviewed to improve protection of nationally important archaeological sites from the damaging effects of ploughing.

9 Longer Term Package

- There will be a single unified “Register of Historic Sites and Buildings of England” with different types of historic asset integrated into a single register entry on some sites.
- English Heritage will be given statutory responsibility for national designation, subject to safeguards.
- There will also be provision for local designations by local authorities
- An overarching definition of historic assets will be put on statute.
- A revised system of grading will be introduced. G1 will combine the existing grades I and II*. Grade II will remain but renamed G2.
- New listings will be subject to public consultation during which time interim protection will be applied.
- There will be a statutory right of appeal for owners (only) against designation decisions.
- Statutory management agreements will be employed as an alternative consent regime on some sites.
- There will be a unified consent regime merging listed building consent and scheduled monument consent administered by local authorities. Conservation area consent may be merged with planning consent.
- Government will require local authorities to establish and maintain Historic Environment Records or have access to one. It is acknowledged that this measure has potentially serious resource implications for government.

10 Other related initiatives

Although not formally part of the heritage designations review, a consultation on proposed BVPIs and guidance on the appointment of historic environment champions are parts of the wider programme set out in the Government’s policy statement “*The historic environment : a force for our future*”. The proposed BVPIs cover Historic Environment Records, Local Authority Heritage Assets and Conservation Area Appraisals, although it is unlikely all three would be adopted.

11 Implications for Buckinghamshire

The short term package mainly affects the relationship between DCMS and English Heritage and so its direct affect on Buckinghamshire is likely to be limited, although there are relating concerns about English Heritage's ability to resource this process. Pro-active action on listing, registration and scheduling in Buckinghamshire is, and has been for some years, at a low ebb. The Buckinghamshire Historic Environment Forum could be put forward as a pilot sub-regional grouping combining county, district and unitary authorities, an AONB and non-governmental partners (see below). Amendment of the Class Consents Order to protect ancient monuments from ploughing is long overdue and may help protect the 8 (out of 140) scheduled ancient monuments on arable land in the county. However, the vast majority of ancient monuments on arable land that are not scheduled will not benefit.

The longer term package would have significant implications. The potential for joint designations covering historic buildings, landscape and archaeology is to be welcomed provided viable systems can be demonstrated from pilot work currently being undertaken by English Heritage. Once again there is a concern that lack of resources at English Heritage may preclude effective implementation, especially as the new "statements of importance", management agreements, consultation and appeal systems are likely to be resource hungry. The proposal for local designations is welcome in principle but will only be worthwhile and effective if accompanied by real controls (e.g. over the demolition of buildings) and resources. Although not supported in the County Council's response, the merging of grades I and II* is unlikely to have a major impact now that the previously suggested relegation of grade II to local lists has been abandoned. The unification of listed building and scheduled monument consent will place an additional (and at present unquantified) administrative burden on district council planners increased demands on the County Council's archaeology service for specialist advice. The requirement to maintain, or have access to, an Historic Environment Record will have major implications – at present the County maintains the Sites and Monuments Record which has traditionally focussed on archaeology but is developing its coverage of historic landscapes and buildings. The SMR is currently only accessible by the County Council's archaeology service and by appointment in Aylesbury, although selected information will be made available on-line from March 2005. There would be significant (and as yet not fully quantified) costs involved in creating and maintaining a fully fledged Historic Environment Record and in making it easily accessible to all local authorities in Buckinghamshire.

12 The role of the historic environment forum

The Bucks Historic Environment Forum is potentially well placed to provide a "sub-regional" framework for historic Buckinghamshire in order to promote awareness of historic environment issues both amongst member organisations and more widely with partners, including at a regional scale. At the March 2004 meeting it was suggested that the Forum could:

- a) Develop and publish a **Historic Environment Strategy** to articulate the sector's priorities and ensure their recognition in statutory policies (e.g. Local Development Frameworks, Cultural and Community Strategies).
- b) Promote the Forum and its Strategy through **publication and a seminar/conference** particularly aimed at elected members and others responsible for policy formulation and implementation.
- c) Promote the role of **historic environment champions** seeking to establish itself as the recognised county forum for champions.
- d) To **review the structure and agenda of meetings** to ensure a balance of interests is represented and an emphasis on holistic approaches encouraged.

E. BACKGROUND PAPERS

Protecting our historic environment: Making the system work better. DCMS (July 2003)

The historic environment : a force for our future. Government Policy Statement.

Historic Environment Records Consultation. DCMS (July 2003)

Review of Heritage Protection: The Way Forward. DCMS (June 2004)

HEF Report on Conservation Provision

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