



department for
**culture, media
and sport**

Heritage Protection for the 21st Century: An analysis of consultation responses

November 2007

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

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Section 1: Introduction

- 1.1 In March 2007, DCMS and the Welsh Assembly Government published a White Paper setting out our proposals for reforming the heritage protection system. These reforms are intended to build on the best of the current system to ensure we develop a new system which can respond to future challenges.
- 1.2 The proposals in the White Paper were based around three core principles:
- developing a unified approach to the historic environment;
 - maximising opportunities for inclusion and involvement; and
 - supporting sustainable communities by putting the historic environment at the heart of an effective planning system.
- 1.3 This was a White Paper for England and Wales and the United Kingdom. It proposed reforms to the terrestrial heritage protection system in England and Wales only, and for the marine heritage protection system across the United Kingdom. This summary of responses to the consultation questions is being published in two documents. This document summarises the consultation responses relating to the terrestrial heritage protection system in England and the marine heritage protection system across the UK. The second document summarises the consultation responses from Wales, and will be published by the Welsh Assembly Government on the web site of Cadw, its historic environment division.
- 1.4 The proposals in the White Paper are the result of extensive consultation with the historic environment sector, and close collaboration between the Department for Culture, Media and Sport, the Department for Communities and Local Government, the Department for Environment, Food and Rural Affairs, the Department for Transport, the devolved administrations and English Heritage.
- 1.5 The White Paper consultation ran for twelve weeks, from 8 March to 1 June 2007. It asked three questions:
- Question 1 – Should Conservation Area Consent be removed as a specific consent and merged with planning permission? The merger would be combined with amendments to the Demolition Direction¹ to ensure planning permission would be required for the demolition of an unlisted building in a Conservation Area and amendments to the General Permitted Development Order² to reinstate levels of protection pre-Shimizu³.

¹ Town and Country Planning (Demolition – Description of Buildings) Direction 1995

² Town and Country Planning (General Permitted Development) Order 1995

³ *Shimizu (UK) Limited v Westminster City Council* [1997] 1 All ER 481

- Question 2 – As a means of promoting early consideration of heritage issues in large scale developments, should there be new statutory guidance promoting pre-application assessment and discussion for all major planning applications which may affect historic assets?
- Question 3 – As a means of providing greater certainty to developers, should the current operation of Certificates of Immunity be expanded to enable an application to be made at any time, and for a site as well as an individual building?

Respondents

1.6 We received **341** responses to the consultation from a broad range of stakeholders including: education and training bodies; international bodies; local authorities; national amenity societies; parliamentary organisations; the private sector; professional bodies; public bodies; religious organisations; trade associations; voluntary and charitable organisations; and individuals. A list of all the respondents is included at the end of this document.

Type of respondent	Number	Percentage
Education & training bodies	8	2%
Individuals	41	12%
International bodies	1	0.3%
Local authorities*	133	39%
National amenity societies*	9	3%
Parliamentary organisations	1	0.3%
Private sector	15	4%
Professional bodies	12	3.5%
Public bodies	11	3%
Religious organisations*	17	5%
Trade associations	6	2%
Voluntary & charitable organisations	87	25.5%
Total	341	100% (99.6)

* Including representative bodies

Section 2: Analysis of Consultation Questions

2.1 Analysis of Question 1

Q1: Should Conservation Area Consent be removed as a specific consent and merged with planning permission? The merger would be combined with amendments to the Demolition Direction to ensure planning permission would be required for the demolition of an unlisted building in a Conservation Area and amendments to the General Permitted Development Order to reinstate levels of protection pre-Shimizu.

Answer	Number	Percentage of those who responded in favour/against/unclear	Percentage of Total Respondents
Yes	158	68%	46.3%
No	42	18%	12.3%
Unclear	32	14%	9.4%
DNA*	109	-	32.0%

*DNA = did not answer

Type of organisation	Yes	No	Unclear	DNA
Education & Training Bodies	1			7
Individuals	10	4	7	20
International bodies				1
Local authorities	87	16	11	19
National amenity societies	5	3		1
Parliamentary organisations				1
Private sector	4	2		9
Professional bodies	7	1		4
Public bodies	5			6
Religious organisations	4	1	3	9
Trade association	3	1		2
Voluntary & Charitable organisations	32	14	11	30

- 2.1.1 68% of all respondents to the consultation answered this question and the majority of those who responded (68%), agreed that Conservation Area Consent should be merged with planning permission. These respondents indicated that this proposal would streamline the consent process and would hopefully lead to decisions being made more quickly. However, a number of the respondents (25%) only agreed with this proposal if it was made explicit, through statutory guidance, that conservation expertise must be sought prior to taking this planning decision.
- 2.1.2 18% of all respondents mentioned that, in their view, this proposal did not offer enough protection to the historic environment. The majority of these respondents felt that Conservation Area Consent was important as it ensured that the value of the historic asset was in the forefront of the minds of the local planning authority when decisions were being made.
- 2.1.3 A small number of respondents questioned the practical implications of this merger, noting, for example, that it is currently a criminal offence if you do not obtain Conservation Area Consent for relevant works, whereas it is not a criminal offence if you do not obtain planning permission. Similarly, a fee is charged for planning permission applications whereas it is not for Conservation Area Consent. It was also raised, again by a small number of respondents, that this merger may lower protection for some of the wider aspects of a Conservation Area .e.g. the protection of trees. Another potential issue was the strict timescale for making planning application decisions. A small number of respondents were concerned that this could lead to conservation issues not being looked at in enough detail or the local planning authority not consulting with the relevant specialists.
- 2.1.4 A large number of the respondents from religious organisations raised the issue that a merger of Conservation Area Consent and planning permission could mean that they lose the Ecclesiastical Exemption in relation to the demolition of unlisted churches in Conservation Areas. They felt that this reduction in the Ecclesiastical Exemption should be addressed.

Restoration of pre- Shimizu levels of protection

- 2.1.5 The answers to Question 1 tended to be split into two parts, focusing separately on the Conservation Area Consent merger with planning permission and the proposal to reinstate protection to pre- Shimizu levels. 58% of respondents were in favour of returning protection to pre-Shimizu levels compared to 1% who felt that the current level of protection was sufficient.
- 2.1.6 However, respondents had a number of views on the best way to achieve the appropriate level of protection. 18% of respondents agreed with the proposals to amend the Demolition Direction and the General Permitted Development Order (GDPO). However, a small number of respondents thought that the proposals regarding the GDPO were too complicated and further thought was needed. 11% of respondents to this question felt it would be simpler and clearer if all demolition, whole and partial, and any alterations to any building in a Conservation Area required planning permission.

Final Policy View

- 2.1.7 Conservation Area Consent will be removed as a specific consent and merged with Planning Permission. As set out in the White Paper, we propose to issue guidance to make it clear that local planning authorities should consult with the appropriate historic environment professionals before reaching decisions on planning permission in a Conservation Area.**
- 2.1.8 We agree with respondents to consultation that making whole and partial demolition “development” requiring planning permission is the simplest and most transparent route to achieving the desired policy aim. We will therefore amend the Demolition Direction**

and the General Permitted Development Order to provide that demolition and partial demolition of a building in a Conservation Area is 'development' and will require planning permission (i.e. it will not be permitted development). This will raise the level of protection to the position pre-Shimizu.

2.2 Analysis of Question 2

Q2: As a means of promoting early consideration of heritage issues in large scale developments, should there be new statutory guidance promoting pre-application assessment and discussion for all major planning applications which may affect historic assets?

Answer	Number	Percentage of those who responded in favour/against/unclear	Percentage of total respondents
Yes	210	88.6%	62%
No	21	8.9%	6%
Unclear	6	2.6%	2%
DNA*	104	-	30%

*DNA = did not answer

Type of organisation	Yes	No	Unclear	DNA
Education & training Bodies	1	1		6
Individuals	13	3		25
International bodies				1
Local authorities	106	6	2	19
National amenity societies	5	2	1	1
Parliamentary organisations				1
Private sector	6	1		8
Professional bodies	6	1	1	4
Public bodies	7	1		3
Religious organisations	10	2		5
Trade association	4	1		1
Voluntary & charitable organisations	52	3	2	30

2.2.1 89% of respondents to this question felt that there should be statutory guidance promoting pre-application assessment. The majority of the local authority responses to this question stated that this already occurs in relation to archaeology and works very well. It was also suggested that the use of pre-application assessments would help stop spot listing which can greatly delay or derail developments. It was felt that more pre-application assessment could encourage a

more holistic approach to the historic environment. Of the 3% of respondents to this question who did not see statutory guidance for pre-application as being necessary, half of these gave the question an outright no and half felt it should be a voluntary option and therefore should not require statutory guidance.

- 2.2.2 There were a number of other issues raised in the answers to this question; the most widely mentioned of these was a concern that pre- application assessment could become a closed process and not allow wider consultation with amenity societies, local interest groups and the general public. 20% of all respondents to this question mentioned this issue. It was observed that this seemed contrary to the thrust of the proposals in the White Paper.
- 2.2.3 The question of resources was also raised in relation to this proposal. 13% of all respondents that answered this question felt that extra resources would be needed to ensure pre-application assessments were undertaken properly and that this had failed to be addressed in the White Paper. The key groups who were felt to need extra resources as a result of this proposal were (in order of number of mentions) local authorities, voluntary organisations and developers.
- 2.2.4 Just over a tenth of respondents to this question also mentioned that further detail on this area would be necessary. In particular it was seen as imperative to define ‘large scale’ developments and ‘major’ planning applications to provide clarity on the use of assessments. Finally, there was also a feeling from a small number of respondents that pre- application assessments should be extended to all planning applications that would affect historic assets.

Final Policy View

- 2.2.5 We will publish statutory guidance to promote pre-application assessments for all major planning applications. In order to minimise the burdens for those undertaking major developments, we will consider further how best our statutory guidance will fit alongside existing requirements and how it will complement procedures currently set out in PPG16 to encourage pre-application evaluation and mitigation of the archaeological risk of development of all scales.**

2.3 Analysis of Question 3

Q3: As a means of providing greater certainty to developers, should the current operation of Certificates of Immunity be expanded to enable an application to be made at any time, and for a site as well as an individual building?

Answer	Number	Percentage of those who responded in favour/against/unclear	Percentage of total respondents
Yes	125	56%	37%
No	65	29%	19%
Unclear	34	15%	10%
DNA*	117	-	34%

*DNA = did not answer

Type of organisation	Yes	No	Unclear	DNA
Education & training Bodies	1			7
Individuals	8	7	3	23
International bodies				1
Local authorities	72	16	23	22
National amenity societies	4	3	1	1
Parliamentary organisations				1
Private sector	8	1	1	5
Professional bodies	5	3	1	3
Public bodies	5			6
Religious organisations	1	5	1	10
Trade association	5			1
Voluntary & charitable organisations	16	30	4	37

2.3.1 56% of respondents to this question supported the extension of Certificates of Immunity (COI).

The majority of these respondents were in favour of the certainty that this would give developers and the fact that it could help cut down on the number of spot listing applications. It was felt by some respondents that the combined package of greater pre-application assessment and COIs would allow for better and faster decision making by local authorities. 5% of respondents to this question were in favour of the proposal to allow a COI to be applied for at any time but were not in favour of COIs covering entire sites.

2.3.2 There were a number of concerns raised with this proposal. The most widely mentioned, by 16% of respondents to this question, was a concern over the presence of archaeological remains and the difficulty of having enough certainty over the lack of archaeology in an area to grant a COI. This was seen as particularly relevant in urban areas. Flowing from this was a concern about the level of resources required to undertake this proposal. Many of the respondents mentioned the cost of undertaking the level of archaeological survey that would be required to achieve certainty. This was perceived as a particular burden for local authorities, many of whom mentioned that it may direct resources away from the consent process.

2.3.3 There were also concerns raised over the level of consultation requirements that would be needed prior to a COI being issued. It was felt by 13% of respondents to this question that the level of consultation required for a COI application should be akin to that required for a designation application. There was also a call for detailed guidance to be issued which would make it clear what level of assessment would be needed in order to gain a COI, .e.g., would a full environmental assessment be required? They felt this guidance should also make it clear what level of consultation arrangements would be required.

2.3.4 Finally, there was also a call from a few respondents to have strict time limits on COIs. This was seen as necessary to prevent developers applying for large numbers of speculative COIs.

Final Policy View

2.3.5 Certificates of Immunity will be expanded to enable an application to be made at any time and to cover a whole site. We propose to publish advice on the issuing of COIs; this could include information on levels of assessment necessary to provide the certainty needed for a COI on different types of historic assets. Legislation will make clear what the appropriate level of public consultation should be prior to a COI being granted. We envisage this as being equivalent to the level of consultation needed for designation applications.

Section 3: Matters arising unrelated to consultation questions

3.1 Overview

- 3.1.1 A range of other issues were raised by respondents that do not relate to the three questions asked in the consultation. These included: resources and training; local designation; Historic Environment Records; Historic Partnership Agreements; Article IV directions; the marine historic environment, including salvage; the Ecclesiastical Exemption; World Heritage Sites; terminology; historic environment services; historic asset consent; designation, including consultation, appeals and interim protection; Conservation Areas; the wider planning system, including the Planning White Paper and the involvement of the Department for Communities and Local Government; English Heritage; Class Consents, including Class Consent 1; planning policy, including the revision of Planning Policy Guidance 15 and 16; parks, gardens and battlefields; public engagement; the wider historic landscape and the natural environment; enforcement; the importance of the undesignated historic environment; areas of archaeological importance; endorsement of the historic environment; and others.
- 3.1.2 This document briefly considers those issues raised most frequently. These are resources, local designation and Article IV Directions, Historic Environment Records, Heritage Partnership Agreements, training and capacity building, World Heritage Sites, the marine historic environment, and the Ecclesiastical Exemption.

3.2 Resources

Analysis of comments on resources

- 3.2.1 143 respondents, 42% of all respondents who replied to the consultation, raised the issue of the amount of resources that would be required to deliver these reforms effectively. There was a lot of concern amongst respondents that the issue of resources had not been directly addressed in the White Paper. 60% of respondents on this issue felt that it was imperative if the new system of heritage protection is to work that local authorities receive the proper level of resource needed to run the system. 30% of respondents who raised the issue of resources also felt that English Heritage should receive levels of resource akin to the level of their new responsibilities. There was some concern raised by respondents that local authorities may have to make cuts in front line services to fund these proposals.
- 3.2.2 18% of respondents on this issue mentioned that Historic Environment Records (HERs) and local designation in particular will be very resource intensive for local authorities; a small number of respondents suggested that specific funding for HERs should come from central government or English Heritage. 14% of respondents felt that the processing of Scheduled Monument Consent applications (as part of the new unified Historic Asset Consent) will be a

heavy burden for local authorities. A small number of respondents also mentioned the increased resource burden for both local authorities and English Heritage that the introduction of Heritage Partnership Agreements could bring.

Policy Position

3.2.3 We are aware that in order for the heritage protection reforms set out in the White Paper to take place effectively, both local authorities and English Heritage must receive a sufficient level of resource to undertake their new roles. In the Regulatory Impact Assessment which was published alongside the White Paper, DCMS committed to meet the cost of any additional burdens to local authorities in England arising from the reforms. We are continuing to monitor the resource implications of these proposals and a full Impact Assessment will be published alongside any future draft Heritage Protection Bill.

3.2.4 English Heritage's grant level for the next three years was announced on 18 October 2007. As a result of this settlement English Heritage have announced that the implementation of the Heritage Protection reforms will be one of their key priorities.

3.3 Historic Environment Records

Analysis of comments on Historic Environment Records

3.3.1 94 or 28% of respondents to the consultation mentioned Historic Environment Records (HERs). 71 of these respondents were in support of the proposals in the White Paper whilst only one respondent stated that they were against the proposals; 22 respondents were uncommitted regarding their support. There was some concern from a number of responses from local authorities over the implications of having to maintain an HER.

3.3.2 A small number of respondents stated that it was important that guidance was issued regarding HERs and that there should be clarity over their format. A small number of respondents also felt that local authorities should work more closely with local museums on HERs as there is a link between the information held in an HER and the information held by local museums.

Policy Position

3.3.3 As stated in the White Paper, we will introduce a statutory duty on local authorities to maintain or have access to an Historic Environment Record. We anticipate, in practice, that the current network of HERs that are maintained by upper tier local authorities and National Park Authorities will continue, with some improvements in service provision. We do not envisage that every local planning authority will have to create an HER from scratch. We also propose to publish guidance on the format and content of HERs.

3.4 Heritage Partnership Agreements

Analysis of comments on Heritage Partnership Agreements

3.4.1 24% of respondents to the consultation mentioned Heritage Partnership Agreements (HPAs). The majority of these respondents were in favour of their introduction, stating that HPAs are a sensible means of managing the historic environment. There were some caveats to this support

however, with many of these respondents stating that guidance must be available to ensure consistency across HPAs. There were also a small number of respondents who mentioned the initial resource implications that HPAs could have although HPAs' potential for savings was also mentioned.

3.4.2 There was also concern, especially amongst amenity societies and voluntary and charitable organisations, that HPAs may lead to a closed process and there must be consultation with interested parties if they are to work effectively. Following from this, a small number of respondents mentioned that HPAs should be public records.

3.4.3 A small number of respondents questioned the use of HPAs as they were perceived as only being relevant for a limited number of sites.

Policy Position

3.4.4 As stated in the White Paper, we will introduce the facility for statutory management agreements for historic sites in the form of HPAs. We will ensure that guidance will be available which will explain both the process of HPAs and give advice on their practice. English Heritage have also been undertaking a number of pilots on the use of HPAs and will use the results of these pilots to inform the guidance we produce. We will also look at any evidence these pilots have produced regarding additional burdens or savings as part of the Impact Assessment which will accompany any future draft Heritage Protection Bill.

3.5 Article IV(1) Directions and Locally Designated Buildings

Analysis of comments on Article IV(1) Directions and Locally Designated Buildings

3.5.1 14% of all respondents to the consultation mentioned the use of Article IV(1) directions to remove permitted development rights for demolition of locally designated buildings. 40% of these respondents raised problems with Article IV(1), particularly the issue of compensation, and suggested that local authorities use Article IV(1) directions very rarely. 32% of these respondents felt that locally designated buildings should have the same protection as buildings in a Conservation Area. However, in the majority of cases this view was accompanied by the caveat that locally designated buildings must be designated in a fair and open way which would include equivalent levels of consultation to those undertaken for national designations.

3.5.2 14% of all respondents to the consultation also mentioned locally designated buildings. 32% of these respondents were very supportive of encouraging local authorities to develop their Local Lists, with a similar number suggesting that there should be a statutory duty on local authorities to carry out local designation. A small number of respondents also felt that battlefields and parks and gardens and marine historic assets should be able to be added to the Local List. However, 12% of respondents who raised this issue also felt that there should be clear guidance to ensure consistency and management of the approach local authorities take to local designation. There was also a concern among a small number of respondents that greater local designation could lead to an uncertainty over the status of both locally designated historic assets and buildings in Conservation Areas.

3.5.3 There was a strong view from respondents to the consultation who mentioned local designation that unless there was some protection from demolition or alteration for locally designated buildings, there would be no incentive for local authorities to add buildings to their Local Lists.

Policy Position

3.5.4 As stated in the White Paper we will amend the Demolition Direction so that demolition of locally designated buildings is ‘development’, but, in light of the comments that have been made about the effectiveness of relying on Article IV directions for protection of these locally listed buildings, we will reconsider whether granting permitted development rights for demolition of these buildings provides them with appropriate protection.

3.5.5 We will also publish new criteria and good practice guidance for local designation, based on the national system, to make it easier for local authorities to develop their own local registers.

3.6 Training, capacity building and HELM

Analysis of comments regarding training, capacity building and HELM

3.6.1 18% of all respondents to the consultation mentioned the need for greater training opportunities for local authorities. The majority of these respondents, 93%, were in favour of the proposals to provide a programme of training for local authorities.

3.6.2 Many of the respondents that mentioned training stressed the importance of a long term training programme rather than a one-off package of training just prior to the introduction of the new system. It was also felt that the training programme needed to be implemented well ahead of the reforms. A small number of respondents suggested that local authority historic environment professionals should work with English Heritage as full partners with regards to training provision. It was also mentioned by a small number of respondents that English Heritage should look to universities and other academic institutions with regards to training provision.

3.6.3 A small number of respondents welcomed the White Paper’s proposals to improve capacity in the historic environment sector and again stressed the importance of greater resources. English Heritage’s capacity building was seen as an important factor in the success of the White Paper’s proposals by a small number of respondents. Finally, it was suggested that more could be done to raise HELM’s profile, especially amongst unitary local authorities.

Policy Position

3.6.4 The respondents who commented on training and capacity building indicated overwhelming support for the proposals in the White Paper. English Heritage will implement a new programme of training, support and capacity building for local authorities and local heritage organisations. The introduction of any new legislation to deliver the White Paper proposals will be supported by a range of guidance and advice for local authorities which will clarify their role in the stewardship of the historic environment.

3.7 World Heritage Sites

Analysis of comments on World Heritage Sites

- 3.7.1 13% of all respondents to the consultation mentioned World Heritage Sites; 67% of these respondents welcomed the proposals in the White Paper, in particular the production of a new planning circular, revised call-in powers and the proposals to amend Article 1(5) Land. 16% of respondents who mentioned this issue did not support these proposals. In particular there was a concern that buffer zones could constrain development inappropriately.
- 3.7.2 There appear to be some misconceptions on the issue of buffer zones around World Heritage Sites. Respondents have taken the White Paper to signal the introduction of greater use of buffer zones, whereas the policy position on this issue remains unchanged, our aim is to simply clarify the current position. This issue was raised by a small number of respondents with 19% in favour of buffer zones against 9% who did not want to see them formally introduced. There was also a call from a small number of respondents for greater public consultation on developments affecting World Heritage Sites. It was also felt, again by a small number of respondents that the proposed planning circular should give clear advice on how World Heritage Site management plans should relate to the planning system.

Policy Position

- 3.7.3 The proposals in the White Paper relating to World Heritage Sites received support from the majority of respondents who mentioned this issue. We will continue to work with the Department for Communities and Local Government to produce a new planning circular. This circular will make more prominent the need to create a management plan for each World Heritage Site. This will be supplemented by further guidance from English Heritage.**
- 3.7.4 We will also introduce specific notification and call-in requirements for significant developing affecting World Heritage Sites and include World Heritage Sites as Article 1(5) land under the GDPO. This will put them on the same footing as other protected places such as Conservation Areas and National Parks.**

3.8 Marine historic environment

Analysis of comments on the marine historic environment

- 3.8.1 38 respondents to the consultation mentioned the marine historic environment and its protection system; the majority of these respondents welcomed the proposals in the White Paper. However, 50% of respondents to this question expressed their disappointment that the proposals did not go far enough. In particular, disappointment was expressed that the issue of salvage law had not been addressed in the White Paper.
- 3.8.2 30% of respondents who mentioned the marine historic environment protection system praised the proposal in the White Paper to give the Receiver of Wreck a greater role in the notification of the discovery of new marine historic assets. There was also a view expressed by 24% of respondents that the role of the Advisory Committee on Historic Wreck Sites (ACHWS) needs to be re-examined in light of the changes to the marine historic asset protection system.

Policy Position

3.8.3 The proposals in the White Paper relating to the marine historic environment were welcomed by those respondents to the consultation that raised marine issues. Although some respondents felt that these proposals did not go far enough, particularly in the area of salvage law reform, we are mindful of the complex interests of the many different sea-users and do not intend to impose additional statutory obligations on sea-users to report information, nor make substantive changes to salvage law in relation to marine historic assets, as we believe this would be a disproportionate response. We are looking to encourage responsible behaviour by all sea-users rather than impose additional regulatory burdens in order to address the activities of an irresponsible minority.

3.8.4 As part of the changes to the marine protection system we will review the ACHWS to make sure it is still fulfilling a necessary and appropriate role.

3.9 The Ecclesiastical Exemption

Analysis of comments on the Ecclesiastical Exemption

3.9.1 The Ecclesiastical Exemption was mentioned by 8% of all respondents to the consultation. 19% of the respondents who addressed this issue were in favour of retaining the Exemption as opposed to 23% who were in favour of abolishing the Exemption.

3.9.2 A small number of other issues were also raised regarding the Ecclesiastical Exemption. There was a feeling, expressed by a small number of respondents, that levels of consultation undertaken by the exempt denominations should match those built in to secular processes, thereby ensuring that there was community involvement. A small number of respondents wanted clarification over the definition of Cathedrals' red lines. The red line is the boundary line, set by DCMS in agreement with the Church of England, which shows the buildings which benefit from the Ecclesiastical Exemption. This usually includes the cathedral church and other buildings in ecclesiastical use. There was also clarification sought over how these proposals would apply to closed churchyards. A small number of respondents also expressed concern over the variation between different denominational systems and a lack of enforcement for the exempted denominations.

Policy Position

3.9.3 Although the proposal to retain the Ecclesiastical Exemption did not receive a majority of support amongst respondents to the consultation who addressed this issue, we propose to provide for the continuation of the Ecclesiastical Exemption under the new heritage protection system as it reduces burdens on the planning system whilst maintaining protection and dealing appropriately with the needs of particular historic assets used as places of worship. Any system run by the exempt denominations will be required to have similar levels of consultation and engagement as the secular consent system in order for that denomination to continue to benefit from the Exemption. We will look at the issues of consultation, Cathedrals' red lines and closed churchyards as we work with the exempt denominations to agree a new system of operation for the Exemption.

Section 4: Next Steps

- 4.1. We will take forward the proposals in the White Paper, along with the final policy decisions that are highlighted in this paper. In order for these proposals to be brought into effect they will need primary legislation. We intend to publish a draft Heritage Protection Bill in the 2007/8 Session. We will seek parliamentary time to introduce the Heritage Protection Bill thereafter. If the Bill were introduced in 2008/09, the proposals would begin to come into effect from 2010/11.

- 4.2. Alongside the Parliamentary process we will be working closely with English Heritage and the Department for Communities and Local Government drafting detailed guidance to accompany these proposals. This guidance will provide further detail on the proposals and explain how the different aspects of the new heritage protection systems will work in practice.

Section 5: List of Respondents

5.1 The names of the 41 individuals who responded to the consultation (one of whom sent 2 responses) have been omitted from this table. Not all respondents commented on every question. A number of consultation respondents replied months after the consultation period closed; they have not been included in the analysis.

No.	Name of Respondent	Type
1.	Advantage West Midlands	Local Authorities
2.	All Party Parliamentary Archaeology Group	Parliamentary Organisations
3.	Amber Valley Borough Council	Local Authority
4.	Ancient Monuments Society	National Amenity Society
5.	(The) Archaeology Forum	Professional Body
6.	(The) Archaeology Training Forum	Education & Training
7.	(The) Architectural Heritage Fund	Voluntary & Charitable Organisation
8.	(The) Arkwright Society	Voluntary & Charitable Organisation
9.	ARUP	Private Sector
10.	Associated British Ports	Private Sector
11.	Association of Building Preservation Trusts	Voluntary & Charitable Organisation
12.	(The) Association of Consultant Architects	Professional Body
13.	Association of English Cathedrals	Religious Organisations
14.	(The) Association of Garden Trusts	Voluntary & Charitable Organisation
15.	Association of Greater Manchester Authorities	Local Authority
16.	Association of Industrial Archaeology	Voluntary & Charitable Organisation
17.	Association of Local Government Archaeology officers	Professional Body
18.	Association of Local Government Archaeology officers: UK maritime Committee	Professional Body
19.	Association of North Thames Amenity Societies	Voluntary & Charitable Organisation
20.	(The) Association of Sea Fisheries Committees	Local Authority

	of England & Wales	
21.	Avon Bat Group	Voluntary & Charitable Organisation
22.	Baptist Union of Great Britain	Religious Organisations
23.	Bath & North East Somerset Council	Local Authority
24.	Bath Preservation Trust	Voluntary & Charitable Organisation
25.	Bath & Wells Diocesan Advisory Committee	Religious Organisations
26.	Battlefields Trust	Voluntary & Charitable Organisation
27.	Bedfordshire County Council	Local Authority
28.	Beeston & District City Council	Local Authority
29.	Berkshire Archaeology	Local Authority
30.	Bexley Borough Council	Local Authority
31.	Birmingham City Council	Local Authority
32.	Boston Borough Council	Local Authority
33.	Bradford City Metropolitan District Council	Local Authority
34.	Brighton & Hove City Council	Local Authority
35.	(The) Bristol & Gloucestershire Archaeological Society	Voluntary & Charitable Organisation
36.	(The) British Institute of Organ Studies	Voluntary & Charitable Organisation
37.	British Marine Aggregate Producers Association	Trade Association
38.	British Property Federation	Trade Association
39.	British Sundial Society	Voluntary & Charitable Organisation
40.	British Waterways	Public Body
41.	Broadland District Council	Local Authority
42.	Bromley London Borough	Local Authority
43.	Buckinghamshire Archaeological Society	Voluntary & Charitable Organisation
44.	Buckinghamshire County Council	Local Authority
45.	Buckinghamshire Gardens Trust	Voluntary & Charitable Organisation
46.	Buckinghamshire Historic Environment Forum	Voluntary & Charitable Organisation
47.	CBI Minerals Group	Trade Association
48.	CABE	Public Body
49.	Cam Valley Wildlife Group	Voluntary & Charitable

		Organisation
50.	Cambridge City Council Design & Conservation Panel	Local Authority
51.	Cambridgeshire County Council	Local Authority
52.	Cambridge Preservation Society	Voluntary & Charitable Organisation
53.	Campaign to Protect Rural England	Voluntary & Charitable Organisation
54.	Campaign to Protect Rural England: Kent	Voluntary & Charitable Organisation
55.	Campaign for Real Ale (CAMRA)	Voluntary & Charitable Organisation
56.	Caradon District Council	Local Authority
57.	Castlepoint Borough Council	Local Authority
58.	(The) Chamber of Shipping (Hard Copy Only)	Voluntary & Charitable Organisation
59.	(The) Chapels Society (Hard Copy Only)	Religious Organisations
60.	Cheshire County Council	Local Authority
61.	Chichester Conservation Area Advisory Committee	Local Authority
62.	(The) Chiltern Society	Voluntary & Charitable Organisation
63.	Chorley Borough Council	Local Authority
64.	(The) Church of England: Church Commissioners	Religious Organisations
65.	(The) Church of England: Diocese of Bath & Wells	Religious Organisations
66.	(The) Church Heritage Forum	Religious Organisations
67.	City of London, Planning and Transportation Committee Report	Local Authority
68.	City of London Law Society	Professional Body
69.	(The) Civic Trust	National Amenity Society
70.	Committee for Archaeology in Gloucestershire	Voluntary & Charitable Organisation
71.	Conservation Course Directors Forum	Education & Training
72.	Council for British Archaeology	National Amenity Society
73.	Council for British Archaeology Wessex Region	Voluntary & Charitable Organisation
74.	Council for Scottish Archaeology	Professional Body

75.	Cranborne Chase & West Wiltshire: AONB	Voluntary & Charitable Organisation
76.	(The) Crown Estate: Marine Estate	Public Body
77.	Coseley Civic Trust	Voluntary & Charitable Organisation
78.	Cumbria County Council	Local Authority
79.	(The) Country Land and Business Association	Trade Association
80.	Derby City Council	Local Authority
81.	Derbyshire Archaeological Advisory Committee	Local Authority
82.	Derbyshire County Council	Local Authority
83.	Devon Conservation Officers	Local Authority
84.	Devon County Council	Local Authority
85.	Dorset County Council	Local Authority
86.	DP9: on behalf of Land Securities	Private Sector
87.	DP9: On behalf of Beethan Landmark London	Private Sector
88.	Durham City Council	Local Authority
89.	Durham County Council	Local Authority
90.	Durham Heritage Coast Partnership	Voluntary & Charitable Organisation
91.	East Devon District Council	Local Authority
92.	East Hampshire District Council	Local Authority
93.	East Lindsey District Council	Local Authority
94.	East Midlands Heritage Forum	Voluntary & Charitable Organisation
95.	East Sussex County Council	Local Authority
96.	Eden District Council	Local Authority
97.	Ellesmere Port and Neston Borough Council	Local Authority
98.	Elmbridge Borough Council	Local Authority
99.	English Heritage	Public Body
100.	English Historic Towns Forum	Voluntary & Charitable Organisation
101.	English National Park Authorities Association	Local Authority
102.	English Partnerships	Public Body
103.	Essex County Council	Local Authority
104.	Essex Gardens Trust	Voluntary & Charitable Organisation
105.	Essex Society for Archaeology & History	Voluntary & Charitable Organisation

106.	Estates Business Group	Trade Association
107.	Exeter City Council	Local Authority
108.	Fandon Archaeological Research Investigations	Voluntary & Charitable Organisation
109.	Fareham Borough Council	Local Authority
110.	(The) Faversham Society	Voluntary & Charitable Organisation
111.	Federation of British Historic Vehicles	Voluntary & Charitable Organisation
112.	Fellowship of Independent Evangelical Churches Limited	Religious Organisations
113.	(The) Folkington Estate	Private Sector
114.	Friends of the Lake District	Voluntary & Charitable Organisation
115.	Friends of Lewes Society	Voluntary & Charitable Organisation
116.	Gallard Homes	Private Sector
117.	(The) Garden History Society	National Amenity Society
118.	Gateshead Council	Local Authority
119.	Gedlign Borough Council	Local Authority
120.	Gloucestershire Conservation Officers Group	Local Authority
121.	Gloucester City Council	Local Authority
122.	Gloucester & District Archaeological Research Group	Voluntary & Charitable Organisation
123.	Gonville & Caius College Cambridge	Education & Training
124.	Greater London Authority	Local Authority
125.	Greater London Industrial Archaeology Society	Voluntary & Charitable Organisation
126.	Greenwich Borough Council	Local Authority
127.	Grosvenor	Private Sector
128.	Guildford Borough Council	Local Authority
129.	Hales Owen Abbey Trust	Voluntary & Charitable Organisation
130.	Hampshire County Council	Local Authority
131.	Hampshire & Isle of Wight Conservation Officers Liaison Group	Local Authority
132.	Hampshire & Isle of Wight Trust for Maritime archaeology	Voluntary & Charitable Organisation
133.	Harborough District Council	Local Authority

134.	Haringey Borough Council	Local Authority
135.	Harrogate Borough Council	Local Authority
136.	Hartlepool Borough Council	Local Authority
137.	Havering Borough Council	Local Authority
138.	Herefordshire County Council	Local Authority
139.	Heritage Link	Voluntary & Charitable Organisation
140.	Heritage Trust of Lincolnshire	Voluntary & Charitable Organisation
141.	Hertfordshire County Council	Local Authority
142.	Historic Chapels Trust	Religious Organisations
143.	Historic Churches Committee for the five southern Diocese	Religious Organisations
144.	Historic Houses Association	Voluntary & Charitable Organisation
145.	Historic Royal Palaces	Public Bodies
146.	Hitcham & Taplow Preservation Society	Voluntary & Charitable Organisation
147.	Howden Civic Society	Voluntary & Charitable Organisation
148.	The) Hunter Archaeological Society	Voluntary & Charitable Organisation
149.	International Council On Monuments and Sites-UK	International Body
150.	(The) Inland Waterways Advisory Council	Public Body
151.	(The) Inland Waterways Association	Voluntary & Charitable Organisation
152.	Institute of Field Archaeologists	Professional Body
153.	Institute of Field Archaeologists – Maritime Affairs Group	Professional Body
154.	(The) Institute of Historic Building Conservation (jointly with Royal Institution of Chartered Surveyors and The Royal Town Planning Institute)	Professional Body
155.	Isle of Wight Council	Local Authority
156.	Joint Committee of National Amenity Societies	National Amenity Society
157.	Joint Nautical Archaeology Policy Committee	Voluntary & Charitable Organisation
158.	(The) Kenilworth Society	Voluntary & Charitable Organisation

159.	Kensington and Chelsea Borough	Local Authority
160.	Kent County Council	Local Authority
161.	Kingston upon Thames Borough	Local Authority
162.	Lambeth Borough	Local Authority
163.	Lancashire County Council	Local Authority
164.	(The) Landscape Institute	Professional Body
165.	Langstone Harbour Board advisory Committee	Local Authority
166.	(The) Law Society	Professional Body
167.	(The) Leamington Society	Voluntary & Charitable Organisation
168.	Leeds City Council	Local Authority
169.	Leicester City Council	Local Authority
170.	Leicestershire County Council	Local Authority
171.	Lewes District Council	Local Authority
172.	Lincolnshire County Council	Local Authority
173.	Liverpool Preservation Trust	Voluntary & Charitable Organisation
174.	Liverpool Vision	Private Sector
175.	Local Authorities World Heritage Forum	Local Authority
176.	Local Government Association	Local Authority
177.	London Assembly Planning & Spatial Development Committee	Local Authority
178.	London Diocesan Advisory Committee	Religious Organisations
179.	London & Middlesex Archaeological Society	Voluntary & Charitable Organisation
180.	(The) Lulworth Estate	Private Sector
181.	Maldon District Council	Local Authority
182.	Mansfield District Council	Local Authority
183.	Maritime Greenwich World Heritage Site	Voluntary & Charitable Organisation
184.	Marlow Society	Voluntary & Charitable Organisation
185.	Mendip District Council	Local Authority
186.	Merseyside Conservation Officers Group	Local Authority
187.	Methodist Property Office	Religious Organisations
188.	Milton Keynes Council	Local Authority
189.	Museums Libraries and Archives Council	Public Body
190.	National Council on Archives	Voluntary & Charitable Organisation

191.	(The) National Trust	Voluntary & Charitable Organisation
192.	(The) National Trust for Scotland	Voluntary & Charitable Organisation
193.	Naval Dockyards Association	Voluntary & Charitable Organisation
194.	Newcastle City Council	Local Authority
195.	Newcastle University	Education & Training
196.	New Forest National Park Authority	Local Authority
197.	Nidderdale Area of Outstanding Natural Beauty	Voluntary & Charitable Organisation
198.	Norfolk Museums & Archaeology Service	Local Authority
199.	Northamptonshire County Council	Local Authority
200.	Northumberland County Council	Local Authority
201.	North East Maritime Archaeology Forum	Voluntary & Charitable Organisation
202.	North Hertfordshire District Council	Local Authority
203.	North Kesteven Distinct Council	Local Authority
204.	North Warwickshire District Council	Local Authority
205.	North West Catholic History Society	Religious Organisation
206.	North West Regional Assembly	Local Authority
207.	North York Moors National Park Authority	Local Authority
208.	North Yorkshire County Council	Local Authority
209.	Nottingham City Council	Local Authority
210.	Nottinghamshire County Council	Local Authority
211.	Nuneaton and Bedworth Borough Council	Local Authority
212.	Old Hastings Association	Voluntary & Charitable Organisation
213.	Oxfordshire Architectural and Historical Society	Voluntary & Charitable Organisation
214.	PADI	Education & Training
215.	Patrimony Committee	Religious Organisation
216.	Peterborough Diocesan Advisory Committee	Religious Organisation
217.	(The) Planning Inspectorate	Public Body
218.	P J Linesey	Private Sector
219.	Plymouth City Council	Local Authority
220.	Portsmouth City Council	Local Authority
221.	Preston City Council	Local Authority
222.	(The) Prince's Regeneration Trust	Voluntary & Charitable

		Organisation
223.	Project Aware Foundation	Education & Training
224.	Purbeck District Council	Local Authority
225.	Redbridge Borough	Local Authority
226.	Regional Airports Ltd	Private Sector
227.	RESCUE: the British Archaeological Trust	Voluntary & Charitable Organisation
228.	Ribble Valley Borough Council	Local Authority
229.	(The) Richard Colman Consultancy	Private Sector
	Richmond upon Thames Borough	Local Authority
	Rochford District Council	Local Authority
230.	Royal Archaeological Institute	Voluntary & Charitable Organisation
231.	Royal Institute of British Architects	Professional Body
232.	Royal Tunbridge Wells Civic Society	Voluntary & Charitable Organisation
233.	Royal Tunbridge Wells Town Forum	Voluntary & Charitable Organisation
234.	Ryedale District Council	Local Authority
235.	St. Albans District Council, District Archaeologist	Local Authority
236.	St. Edmundsbury Borough Council	Local Authority
237.	SAVE	Voluntary & Charitable Organisation
238.	(The) Scole Committee (regional committee for archaeology in Norfolk, Suffolk & Essex).	Voluntary & Charitable Organisation
239.	Seafish	Public Body
240.	Sedgemoor District Council	Local Authority
241.	Sheffield Conservation Advisory Group	Local Authority
242.	Shrewsbury & Atcham Borough Council	Local Authority
243.	Shropshire County Council	Local Authority
244.	Society of Antiquaries of London	Voluntary & Charitable Organisation
245.	(The) Society for Nautical Research	Voluntary & Charitable Organisation
246.	(The) Society for the Protection of Ancient Buildings	National Amenity Society
247.	Somerset Archaeological & Natural History Society	Voluntary & Charitable Organisation
248.	Somerset County Council: Historic Environment Service	Local Authority
249.	Somerset County Council: Conservation officers	Local Authority

	Group	
250.	South Bank Employers Group	Trade Association
251.	South Gloucestershire Council	Local Authority
252.	South West Historic Environment Forum	Voluntary & Charitable Organisation
253.	South West Regional Development Agency	Local Authority
254.	South Yorkshire Archaeology Service	Local Authority
255.	Staffordshire Historic Buildings Trust (hard Copy Only)	Voluntary & Charitable Organisation
256.	(The) Standing Conference on London Archaeology	Voluntary & Charitable Organisation
257.	Sub Aqua Association	Voluntary & Charitable Organisation
258.	Surrey Archaeological Society	Voluntary & Charitable Organisation
259.	Sussex Gardens Trust	Voluntary & Charitable Organisation
260.	Tees Archaeology	Local Authority
261.	Thanet District Council	Local Authority
262.	Thames Water Property Services	Private Sector
263.	(The) Theatres Trust	National Amenity Society
264.	Tonbridge and Malling Borough Council	Local Authority
265.	Torbay Council	Local Authority
266.	Trinity House	Public Body
267.	Turley Associates (on behalf of Britel Fund Trustees and The Prudential Assurance Company)	Private Sector
268.	Twentieth century Society	National Amenity Society
269.	United Kingdom Major Ports Group	Private Sector
270.	(The) United Reformed Church	Religious Organisation
271.	Universities UK	Education & Training
272.	University of Birmingham	Education & Training
273.	Vale Borough Council	Local Authority
274.	(The) Victorian Society	National Amenity Society
275.	Warwickshire County Council	Local Authority
276.	Warwickshire Rural Community Council	Voluntary & Charitable Organisation
277.	Wealden District Council	Local Authority
278.	(The) Welwyn Garden City Society	Voluntary & Charitable Organisation

279.	(The) Welwyn Garden Heritage Trust	Voluntary & Charitable Organisation
280.	Wessex Archaeology	Voluntary & Charitable Organisation
281.	West Berkshire Council	Local Authority
282.	West Lancashire District Council	Local Authority
283.	West Lindsey District Council	Local Authority
284.	West Midlands Amenity Societies Association	Voluntary & Charitable Organisation
285.	West Yorkshire Archaeology Advisory Service	Local Authority
286.	Westminster City Council	Local Authority
287.	Weybridge Conservation Area Advisory Committee	Local Authority
288.	Wigan Investment Centre	Local Authority
289.	(The) Wiltshire Archaeological and Natural History Society	Voluntary & Charitable Organisation
290.	Wiltshire Historic Buildings Trust	Voluntary & Charitable Organisation
291.	Wiltshire County Council	Local Authority
292.	Wiltshire County Council: Conservation officers group	Local Authority
293.	Winchester City Council	Local Authority
294.	Wolverhampton City Council	Local Authority
295.	Woodland Trust/ The Tree Council/ Ancient Tree Forum	Voluntary & Charitable Organisation
296.	Worcester Cathedral Archaeologist	Religious Organisation
297.	Worcester City Council	Local Authority
298.	Wychavon District Council	Local Authority
299.	Yorkshire & Humber Historic Environment Forum	Voluntary & Charitable Organisation



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