

REVIEW OF HERITAGE PROTECTION

The DCMS and English Heritage Review of Heritage Protection, to be run in partnership with English Heritage, was announced by Tessa Jowell in November 2002. The aim is to improve and refocus the way in which England's historic environment receives statutory protection.

England and Wales share the legislation which governs the historic environment, and so the Welsh Assembly Government is also a partner in this process. Consultation is already underway in Wales on future priorities for managing the historic environment, and the interests of Wales will be reflected in both the discussions which will take place and any conclusions to emerge.

There are several reasons to carry out such a Review now. First, there are at present separate systems for designating monuments, buildings of historic importance or architectural merit, gardens, battlefields, ecclesiastical buildings and wrecks. The 2002 DCMS Policy Statement "A force for our Future" identified the need to examine these systems.

Second, ODPM is revising PPG 15 and 16 in addition to carrying out a review of consent regimes. Legislation now before Parliament will achieve major reform of the land use planning system. Heritage protection needs to operate effectively alongside the new arrangements. This affects in particular the role of the historic environment in regeneration and redevelopment in both the urban and rural contexts.

Third, in recent years there has been growing interest in the context and setting of historic environment as a whole, rather than just the component parts. For major complex sites the modern approach of conservation plans and management agreements covering areas rather than single buildings needs to be fully reflected in the designation regimes.

Fourthly, following the quinquennial review of English Heritage, work is already well advanced to improve processes in English Heritage and to direct resources to programmes and projects in areas of regeneration and redevelopment. This work,

including pilot projects to test out different protection methods, will continue alongside the Heritage Protection Review.

The Review has three phases: first, between now and the end of May DCMS and English Heritage will be seeking views and ideas from all stakeholders – developers, local authorities, other Government Departments, archeologists, architects, heritage experts, owners of listed buildings and many others. Second, DCMS will issue a Consultation Paper in July setting out the main changes the Government is minded to make. Third, having listened to the response, the Government plans to publish a White Paper early in 2004.

During the first phase, DCMS will be seeking views on the following issues:

1. **The purpose of designation:** Is the purpose of designation clearly defined and agreed?
2. **Significance and Value:** How could we best discern consistently what needs to be protected and what does not? Is there a clear value system in the present legislation? At present designation establishes the inherent interest and importance of a building, monument or area but its management, preservation and adaptation are dealt with by the consent regimes. Is this two-stage approach valuable and effective?
3. **Regeneration and sustainability:** The present system runs entirely apart from government policies for sustainable development and regeneration. How could a reformed system help bring the protection of the historical environment centre stage in future planning strategies? Should economic considerations be a factor in designation?
4. **Protecting the whole, not just the parts:** Designation does not deal well with protecting extensive landscapes, urban or rural, settings and groups of buildings where it is the impact of the whole which matters as well as individual parts. What kind of system could effectively protect heritage environments and what role should designation play in such a system? Do conservation areas provide a model?
5. **Management:** Designation protects against unacceptable change but does nothing to help preserve the heritage in a good state. Could management become part of a new regime? How would burdens on owners be managed? Do Farm Plans provide a model? Should management agreements act as an alternative to designation or run alongside it.
6. **Integration:** There are now several regimes with different rules and criteria, consistency is not obvious and there is substantial overlap. Is it possible or desirable to devise a single designation regime to cover all types of protection? Could such a system be linked with variable management

regimes (eg a system which applied the criteria of significance, condition and usability)?

7. **Inflation:** One of the criticisms of the present system is that the total volume of designations has increased steadily and is likely to go on doing so. The system caters for a future generation valuing something more than the previous generation but it does not cater for values changing. Of course if a building is demolished it is lost to all future generations, so there may be a tendency to list just in case. How can a designation system prevent inflation?
8. **Criteria:** The present criteria for listing differ from scheduling and the various types of registration. At present listing is non-discretionary, scheduling discretionary. What are the advantages and disadvantages of both systems in delivering clarity to decision-makers and could better-defined criteria help?
9. **Defining what is of value:** The descriptions which accompany designations do not usually define what is of value. Buildings not of interest but situated within the curtilage are usually caught within the listing. Would better initial defining of value and extent help to ensure that enforcement effort is focussed?
10. **Who makes the decisions:** Is the present split of functions between the Secretaries of State, English Heritage and local authorities right? Is there now a role for regional institutions? Should more responsibility lie with local authorities?
11. **Competence and resource:** The more flexible a system is the more it tends to require people to administer it who are competent to make difficult judgements. How can that competence be grown within the present system or in a transition phase? What principles should underpin EH and local authority use of resources?
12. **Twentieth century:** How can the system cope with the very different needs of large-scale post-war buildings designed for flexibility and with the very large and intrusive industrial and military sites where the historic interest rather than architectural merit are the reasons for designation. Do the experiments with management regimes give an answer? How could they be enforced with unwilling partners? Can they be made to work with a mix of public and private owners? And how can designation of such sites promote rather than impede regeneration?
13. **Timescales:** At present the designation and consents process under each regime often takes a disproportionately long time and has become driven by precedent. How could a reformed system be framed to prevent that tendency breaking out again?
14. **Records:** Are improvements in recording buildings which may be lost a key element in reaching designation criteria which can acknowledge historical interest while stopping short of a need to preserve?