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# Preparing for working with the new heritage Protection system

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# What does the draft Bill replace?



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- The draft Heritage Protection Bill proposes a wholesale revision of the existing law that protects the historic environment. It will repeal the following Acts:
    - The Ancient Monuments and Archaeological Areas Act 1979
    - The Planning (Listed Buildings and Conservation Areas) Act 1990
    - The Historic Buildings and Ancient Monuments Act 1953
    - The Protection of Wrecks Act 1973

# The draft Bill: The Heritage Register for England



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- English Heritage will be responsible for maintaining a publicly available register of:
  - Heritage Structures
  - Heritage Open Spaces
  - World Heritage Sites
  - Marine Heritage Sites
- The Register will be made available online through the Heritage Gateway
  - [www.heritagegateway.org.uk](http://www.heritagegateway.org.uk)



# The EH Implementation Plan



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## Five main strands:

- Legislation and policy development
- Communications strategy
- Strategic Designation
- Training and Capacity building
- Infrastructure development



- Working with DCMS and other government bodies
- Advising on the content of the new Planning Policy Statement
- Preparing Principles of Selection criteria and other documentation to support the Register
- Process and Technical Guidance (HPAs etc)
- English Heritage desk instructions
- Working with other partner bodies to review and update existing grant and other advice leaflets and web based material

# Communication strategy



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- Public consultation and engagement
- Keeping the sector informed
- Information for owners
- Informing our own staff
- Developing the role of Champions and other groups
- Working with partners
- Involving special interest groups and amenity societies



- Public consultation and conversation with sector about what the priorities should be for designation
- Move towards strategic designation across the asset range, especially to reengage with archaeology and landscape designations (see jobs list)
- Defined area assessments and identification of threatened parts of the heritage such as public buildings (Fire Stations or schools for example)
- Marine priorities, especially coastal zone and types of archaeological sites previously not considered for designation

# Training & capacity building



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- Training for EH staff and redirecting internal resources
- Input into Historic Environment Trainees Scheme (HET)
- Programme of Historic Environment Local Management (HELM) events and publications
- E-learning packages
- Programme of over 40 seminars and events nationally
- Placements and secondments between EH and Local Authorities

# Infrastructure development



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- Unified Designation system – The Register
- Geographic Information system compatibility
- Conservation casework management system
- National Monuments Record database upgrades?
- Historic Environment Record Standards
- Processes in EH and advice to Local Authorities

And lots of other bits and pieces relating to online access, data protection and the list goes on...

# How can we possibly do all this?



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# EH has already:



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Shown its commitment by:

- **Doubling** the size of the HPR Team
- **Increasing** Advisers and Assistant Advisers by 25 to undertake designation work as part of our Strategic Programme
- **Expanding** HELM and sector learning and information capacity



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### Heritage Protection Reform – a new system for the 21st century Shape the future of heritage protection

The historic environment is a precious and valued resource. New legislation in 2009 will help us all take better care of it. For the first time, historic buildings, archaeology and historic landscapes – on land and beneath the sea – will be protected and managed together. The new system will be clear, accountable and more effective. English Heritage has the responsibility to deliver important parts of this reform, and to support local authorities in taking on their enhanced role in the new system.

We have identified the resources and are now building the teams we need to deliver our part of the reform. If you are excited by the big picture, and the prospect of real improvements in how the historic environment is cared for, then join us in an innovative environment where your fair and determination in managing change can make a real difference.

#### Heritage Protection Reform Team

This team is dedicated to leading and co-ordinating the delivery of reforms. We are looking for project management skills combined with an understanding of the historic environment. The new full-time, three year, fixed-term posts are:

- HPR Training Delivery Manager
- Policy & Guidance Delivery Manager
- IT & Infrastructure Delivery Manager
- Project Officer – National Delivery
- Project Officer – Local Engagement

#### Heritage Protection Department

##### New Designation Posts

We are expanding our Territory teams which help plan and deliver a programme of strategic listing and scheduling work, following priorities set in consultation with the public and the sector. The new full-time, three year, fixed-term posts are:

- Heritage Protection Advisers (x3)
- Assistant Heritage Protection Advisers (x6)
- Heritage Protection Co-ordinators (x4 – Bristol, York, Cambridge & London)

##### Register Development Posts

In preparation for the new system, we need to do some re-assessment of existing designations. We are looking for experienced heritage specialists for six month contracts or secondments in the following posts:

- Heritage Protection Advisers – Church Regrading (x4)
- Heritage Protection Adviser – Battlements and Parks and Gardens (x1)
- Assistant Heritage Protection Advisers – Scheduling Records Review Project (x7)

Heritage Protection Reform posts will be home-based and will report to our office in London. All other posts advertised, with the exception of Heritage Protection Co-ordinators, will be home-based, but you must be prepared to be attached to, and make regular visits to, one of our offices, based either in Bristol, Cambridge, London or York (please specify a preference with your application).

To discover more and apply, please visit [www.english-heritage.org.uk/jobs](http://www.english-heritage.org.uk/jobs)  
We are unable to accept CVs. Tel: 020 7973 3861

Closing date: 5 October 2008.



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English Heritage values  
diversity and aims to employ  
people who reflect this.

# The HPR Team posts



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## Current

- Head of Heritage Protection Reform
- Heritage Protection Reform Team Leader
- 2 Project Managers
- Unified Designation System Project Officer
- EH & DCMS Bill Team Liaison

## New

- Marine Heritage Advisor
- Training Delivery Manager
- Policy & Guidance Delivery Manager
- IT & Infra structure Delivey Manager
- Project Officer – Local Engagement
- Project Officer – National Delivery



There are a number of new duties and opportunities for Local Authorities:

- Conservation Areas
- Historic Environment Records
- Local Lists
- Advice on whole range of Heritage Assets – Heritage Asset Consents
- Heritage Partnership Agreements

# Changes to Conservation Areas



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- Duty to designate conservation areas as now, but also on the grounds of special archaeological and artistic interest
- Planning consent will be required for demolition of the whole or, critically, part of a building within a conservation area
- Remain the duty of a LPA considering a planning application affecting a Conservation Area to pay special regard to the desirability of preserving or enhancing the area. But importantly this will be expressed as a duty to seek benefits for the area

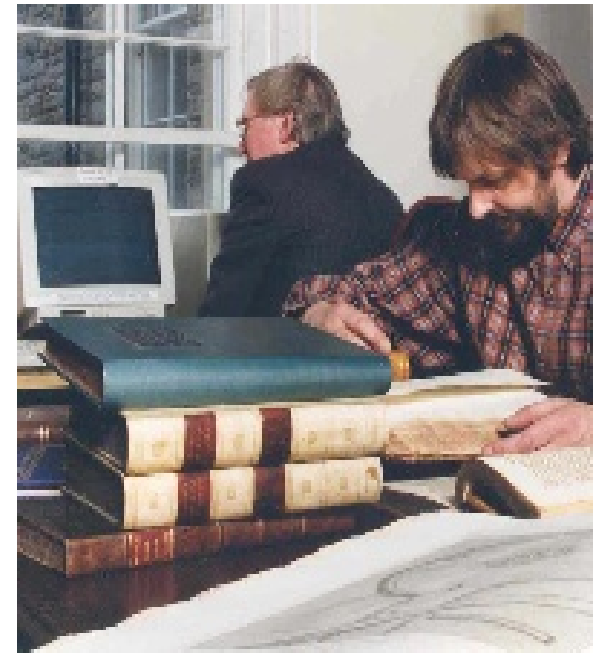


# Historic Environment Records



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- It will be the **duty of all local planning authorities** to create and maintain an historic environment record (HER) or delegate that role to another authority i.e. county councils
- It must contain:
  - A record of all registered heritage structures, open spaces and marine sites
  - Details of registerable (but not registered) structures and open spaces that the record manager thinks are of special *local* historic, architectural, archaeological or artistic interest
  - Details of other sites of archaeological interest
  - Information about the way the archaeological, architectural or historic development of the LPAs area has contributed to the present character and how that might be preserved
  - Details of archaeological or historic environment investigations carried out in the area by the LPA or EH



# Heritage Asset Consent



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- HAC is the equivalent of listed building consent and scheduled monument consent. It will be required for registered heritage structures
- HAC will be obtained from the local planning authority
- In deciding HAC applications the LPA must have 'special regard to the desirability of preserving the heritage structure or its setting or any features of special historic, archaeological, architectural or artistic interest
- The LPA must take expert advice on the application for consent prior to making a decision
- Where illegal works have taken place without consent LPAs (as well as English Heritage and the Secretary of State) will have the power to issue an enforcement notice – a new power in terms of archaeology



# Heritage Structures in Planning Applications



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- When considering any planning application which affects a heritage structure directly or its setting the LPA must have ‘special regard to the desirability of preserving the asset, any features of special interest it has and its setting’
- Works that take place within the setting of a registered heritage structure may be permitted without having to apply for planning permission.
- Current permitted development rights in the curtilage of listed buildings are more limited than normal permitted development rights and this will be the case for all registered heritage structures

# Repairs and Compulsory Acquisition



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- Urgent works and repairs notices will now apply to all asset types
- There is no longer a requirement that the works are ‘urgently’ necessary
- The draft Bill enables works to be carried out to any property, in or out of use (unless the works would interfere with residential use)



# Metal Detecting



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- It will be an offence to use a metal detector in a Registered Heritage Structure or Registered Heritage Open Space without a licence.
- English Heritage will issue licences and may issue a general licence for structures or open spaces of a particular type



# Agricultural ploughing



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Class 1 Consent for agricultural activities will be replaced by a threat based management system

- 1 Sites where ploughing can safely continue unrestricted without causing damage
- 2 Sites where ploughing to an agreed and monitored depth can take place without causing damage
- 3 Sites where no ploughing or disturbance can be carried out because of the sensitive nature of the archaeological remains

Current EH trial project is in its second stage to identify the process and implementation of this aspect of the changes

# Heritage Partnership Agreements



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- **LPA**s will be able to agree with owners of registered assets what works can and cannot be carried out in advance
- This agreement will be called a Heritage Partnership Agreement (HPA) and will effectively confirm what works can be carried out without consent, provided they are carried out in accordance with the terms of the agreement
- HPA's will be applicable to heritage structures and heritage open spaces and will be subject to a consultation process
- Where a breach of the HPA has occurred i.e. the terms of the agreement have been broken the LPA may terminate the HPA with immediate effect in order to preserve the special interest of the registered heritage structure or registered heritage open space



# What are we doing together?



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- Pilot projects with LPAs around the country to test HAC and HPAs
- Working with partners to identify skill shortages and needs
- Working with partners to identify good practice and models for Historic Environment Team structures
- Secondments and discussions with local authority staff
- Supporting authorities wishing to develop local lists

## Further information



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- Heritage Protection Reform Team:
  - [hpert@english-heritage.org.uk](mailto:hpert@english-heritage.org.uk)
- English Heritage website:
  - [www.english-heritage.org.uk](http://www.english-heritage.org.uk)
- DCMS website:
  - [www.culture.gov.uk](http://www.culture.gov.uk)