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HERITAGE LINK RESPONSE TO DCMS HERITAGE WHITE PAPER CONSULTATION

We are very glad to have the opportunity to respond to the consultation arising from the Heritage White Paper.

Heritage Link brings together 81 voluntary organisations concerned with heritage in England representing interests from specialist advisers, practitioners and managers, volunteers and owners, to national funding bodies and local building preservation trusts. Much of the historic environment is cared for - supported, managed or owned - by these organisations and thus they and their members - from local civic societies to the national amenity societies with statutory consultee status - have firsthand and longstanding experience of the heritage protection system as well as advisory and educational roles. As Heritage Link covers England, we have not commented on the chapter on Wales.

This response is supported by the following Heritage Link members:

1. Architectural Heritage Fund
2. Association for Industrial Archaeology
3. Association of Gardens Trust
4. Association of Small Historic Towns and Villages
5. British Institute of Organ studies
6. Campaign to Protect Rural England
7. Chapels Society
8. Churches Conservation Trust
9. Cinema Theatre Association
10. Civic Trust
11. Council for British Archaeology
12. Council for Independent Archaeology
13. Country Land and Business Association
14. English Historic Towns Forum
15. Gateway Gardens Trust
16. Garden History Society
17. The Georgian Group
18. Greenspace
19. Heritage Afloat
20. Heritage of London Trust
21. Historic Chapels Trust
22. Historic Farm Buildings Group
23. Historic Houses Association
24. ICOMOS UK
25. Inland Waterways Association
26. Institute of Historic Building Conservation
27. Institute of Field Archaeologists
28. The Landmark Trust
29. The Leche Trust
30. The National Trust
31. North of England Civic Trust
32. Oxford Preservation Trust
33. Ramblers Association
34. RESCUE: the British Archaeological Trust
35. SAVE Britain's Heritage
36. The Scole Committee
37. Society for the Protection of Ancient Buildings
38. The Victorian Society
39. The Vivat Trust
40. Wessex Archaeology.

Summary

- Much strong and positive support for the Heritage White Paper process
- The welcome opportunity for wider public engagement with the historic environment
- The major contribution the voluntary heritage sector can and wants to make

But

- A failure to articulate the value of heritage
- A disappointingly limited vision of heritage's role in successful development and regeneration
- Failure to demonstrate input from other Government Departments

Essential requirements

The outcomes of the Heritage White Paper will fail if not supported by

- Investment, training and guidance
- Strong partnerships for effective delivery
- Sectoral and public support

The consultation questions

Support for the Heritage White Paper process

Voluntary heritage organisations have helped shape the White Paper through their own responses to earlier consultations and through Heritage Link. Members and officers have contributed to the various advisory groups and at every stage we have publicised the process to the wider heritage community through *Heritage Link Update* to stimulate interest and participation.

From 2002 onwards the non government heritage sector, as represented through Heritage Link, has taken up all the consultative opportunities - and more - to support the Government in securing a unified and simpler heritage protection system and we welcome its publication.

This response is drawn from a special Heritage Link White Paper seminar for members on 16th April. Members are commenting from their specialist standpoints and we expect their technical expertise and experience will be taken into account in drafting the Bill and used to develop the policy, guidance and training that are so important to underpin these legislative changes.

The extremely popular event demonstrated the huge strength, knowledge and experience of the heritage voluntary sector and most clearly, a strong commitment to making this the best White Paper possible but, just as clearly, that this aim cannot be met unless and until the areas of concern described below are fully addressed.

Wider Public Involvement

We welcome modernisation of the designation and consent system with added accountability and opportunities for greater public involvement in the historic environment. Making the heritage protection regime more understandable and accessible recognises that people want to be active participants in deciding the future of their surroundings. Local listing has huge potential to engage new audiences in protecting what they value. We include new audiences here as well as new definitions of heritage. The unified Register, the statutory status of Historic Environment Records and the new Heritage Gateway are particularly positive developments.

Community involvement is a vital part of a democratic planning system as we have said in our responses to the Barker Review of Land Use Planning, so we repeat our conviction that for the planning system to properly balance different interests, the quality of planning decisions - including heritage protection decisions – which will affect everyone's lives for decades to come – is as important as speed.

Our research for *Making Consultation Matter* (2006) shows that local authorities vary widely in the quality and range of consultation policy and practice. As well as a co-ordinated publicity campaign to explain the new protection regime and terminology and encourage wider participation, Local Authorities will need to sustain this new level of public involvement meaningfully; otherwise the public will be alienated and lead to frustration. Local authorities will need to support local groups without compromising their independence.

Developing the role of voluntary heritage organisations

The Heritage White Paper recognises the expertise and commitment of the voluntary heritage sector makes it a key player in the heritage protection system. However the White Paper lacks a coherent vision of what the voluntary heritage sector is: in 1.4.1 it talks about local heritage organisations but in 1.4.7 about the voluntary sector; in 1.4.15 it notes training for amenity societies and in 4.3 about capacity building for local amenity societies. The enabling role of Heritage Link and Planning Aid is noted and we suggest that national voluntary heritage societies have a major contribution to make in raising awareness of the new regime, its operation and implications not only to local groups, whether or not their own members, but also to the wider public.

In refining the proposals through the Bill and guidance, we hope there will more emphasis on the opportunities in the whole process of protection – selection, designation, HPAs, pre-application discussions and consent decisions – for amenity and stakeholder groups to contribute their views at an appropriate stage rather than at the end when they can make little difference and their views are more likely to be considered obstructive.

Our 2006 report *How We Do It* showed that Heritage Link members are already expanding educational and community activities. In their advisory capacity, national heritage organisations are connecting more and more with local communities and different communities of interest. On heritage protection casework, unsurpassed in knowledge and experience, they offer a network of specialists who contribute thousands of hours often on a voluntary basis.

Even building on these trends it will be a challenge for the voluntary heritage sector to respond to the new regime. Apart from an educational role, additional responsibilities for national and local groups will need funding and training. We welcome the demands this will make on us with the proviso that while voluntary organisations may complement the work of English Heritage and local historic environment services they are not a substitute for good and adequate resourcing in these agencies.

We look forward to discussing with members and others including English Heritage, DCMS and CLG how best to meet this challenge not only through existing groups but also how to make the provision of voluntary heritage sector skills more consistent across the country.

We would like to bring to your attention the following shared areas of concern:

Historic Environment at the heart of planning policy

The Heritage White Paper comes out of the debate that began with *Power of Place* and *Force for our Future*, both now over five years old. But the Heritage White Paper has been drawn up in the shadow of the Barker Review, the Local Government White Paper and the Planning White Paper. We welcome the principles around which the Heritage White Paper is based, developing a unified approach, maximising opportunities for inclusion and involvement and supporting sustainable communities by putting the historic environment at the heart of the planning system but **these cannot be achieved in isolation or by DCMS alone.**

It was surprising to find the foreword signed by Secretary of State for Culture Media and Sport and her counterpart in Wales, but by neither the Secretary of State for the Department for Communities and Local Government (CLG) nor the Secretary of State for Environment Food and Rural Affairs, departments that have, *inter alia*, responsibility for regeneration and tourism. In England, these three Departments have a major stake in heritage policy reflected in the tripartite funding agreement for English Heritage and while DCMS and CLG may have worked closely on the White Paper, combined ownership would have given out a far stronger message of cross government commitment to the White Paper and its implementation.

If the historic environment is to be truly at the heart of planning policy, not only at national level but by local authorities and through the RDAs, we need to be assured of joined up government including HM Treasury. **We hope cross Government support will be made more evident in the Bill itself.**

With the recent publication of the Planning White Paper there are already concerns about how the two correlate. We will respond to that consultation in due course but members particularly look for assurance that the level of community involvement in planning decisions will not be reduced. No mention is made in the Heritage White Paper of the long awaited revision of PPGs 15 and 16 which has been promised throughout the Heritage Protection Review process. We urge the Government to retain these, amalgamated and revised as a PPS, in the new suite of planning policy guidance as soon as possible without loss of detail or status. We do not consider that English Heritage's *Conservation Principles* can or should be considered a substitute for Departmental (CLG) guidance.

Vision and the value of heritage

Members expected to find a persuasive vision statement to introducing the White Paper that would set in context what these measures are aiming to achieve but many felt that *Power of Place* way back in 2000 had articulated the value of heritage better. The DCMS vision of the historic environment in the foreword focuses on people, identity, visiting and volunteering which though an excellent starting point, scarcely touches on the other complex values that make the historic environment such an irreplaceable national asset. **Heritage Link believes the historic environment is a major factor in local quality of life, national and local identity and to community cohesion.**

We were pleased to see that the concept of heritage has been broadened from iconic sites and officially designated places to embrace local heritage but there could have been more attention given to the economic and environmental context. Members would like to have seen heritage set more strongly as a major factor in **local and regional regeneration**. Nor was the historic environment given recognition in **sustainable development and climate change**.

Although the White Paper discusses detail on international, national and local heritage protection, the hierarchy of these values needs clarifying, where national becomes local and vice versa and in addition might have explored more how to protect the diversity of heritage values.

The system needs to be fit for purpose in the new century. 'Looking backwards not forwards', 'not going far enough' were sentiments voiced by members. With the challenges of the 21st century ranging from globalisation to global warming, democratic change, technological advance and a continual redefinition of heritage, the vision of the value that heritage will have for our society in the 21st century was not articulated strongly enough.

Far from being a bar to development, heritage can play an integral role. We recommend the Heritage White Paper includes a mission statement setting out the proposals as:

'a means to protect and enhance the historic environment for current and future generations, to provide a framework for managing change, and to promote schemes to enhance and regenerate our historic buildings and areas for the wider social and economic good as a means to creating more sustainable environments and communities.'

The value of the historic environment should be restated in much stronger terms and at every stage in the process, in the Bill in Parliament, in the policy and guidance. Without this constant re-iteration, heritage will be simply seen as a disposable extra and not at the core of values in the 21st century.

Developing Other Partnerships

The Heritage White Paper deals with the legislative framework for protection, yet looking ahead it is necessary to address the delivery side of services. DCMS by itself will not deliver its aims without developing existing and forging new partnerships to develop policy and guidance and to implement the new system. We all need to develop a positive cultural context to support the Bill through Parliament.

The focus of the White Paper is on DCMS and English Heritage. It will need to be accompanied by cross departmental actions and to take account of the contribution made by a wide range of organisations.

Considerable doubt has been cast on the expansion of HELM as the main means of upskilling historic environment professionals and elected members. It should be recognised that there are others experienced at delivering training and capacity building, the professional institutes, the post graduate courses, the Academy for Sustainable Communities and Regional Centres of Excellence for example.

Most crucial of all is the partnership with local authorities, a partnership that requires CLG at its centre. Guidance pledged in the White Paper on local authority historic environment services to raise their profile and status would carry more weight if it came from CLG rather than English Heritage.

For the voluntary heritage sector, the White Paper notes 'we will improve the training, capacity building and support to authorities and the voluntary sector' 1.4.7. We welcome this brief note and offer the experience of our members to help shape this strategy. We also note that English Heritage's National Capacity Building Programme already oversubscribed in the region of 3:1 stands at just £1.4m pa as it has done since 2002/3.

Resources

It has been clear for some time that additional responsibilities transferred to English Heritage and to local authorities must be properly funded together with the capacity building for other stakeholders if the new regime is to work.

The Regulatory Impact Assessment is remarkably short on figures but *Valuing our Heritage* the heritage sector's 2006 statement of priorities ahead of the Comprehensive Spending Review, set out the main areas of investment to:

- enable English Heritage to update information about why individual historic assets and monuments are designated
- develop skills among local authority staff so they will be able to take a more integrated approach to the historic environment and have the confidence to operate a more flexible system
- support new ways of working at regional, sub regional level to share skills and resources
- improve information at national and local levels including achieving consistent standards for historic Environment Records
- improve dialogue with the public.

English Heritage will require around £5m a year for five years to lead and support the new system (*Valuing our Heritage*). Members are concerned that if the CSR settlement is poor, an already overstretched English Heritage budget will be diverted from other essential work and its reputation will again suffer. **Full HM Treasury support is essential.**

Local authorities will also need to invest to be able to implement the changes. Although the new system will produce savings in the longer term, but without upfront investment, implementation – gaining the benefits for owners and the public – will not be possible. There is also the question of additional resources in the interim period to help local planning authorities implement change and reform and to prevent a period of potential confusion in which heritage considerations may temporarily become a secondary issue.

With the enhanced role of local authorities the new heritage protection systems is even more dependent on political will to produce commitment and funding at local level. While we appreciate the intention to renew the potency of local government, the huge variations in local historic environment services illustrated in the Atkins Report indicate that improving standards and consistency is an enormous task. Bringing HERS up to standard will again require investment but HERS without the services to make use of them will be counterproductive. Yet at the same time this should not deflect staff from engaged in planning and regeneration or finding solutions for buildings at risk.

Establishing the right skills sets for 2010 means addressing the issues now, creating the historic environment professionals and equally, providing the softer skills to reflect the moves towards greater public engagement with the planning process. Members do not see that building on HELM or the Heritage Champions initiative will be sufficient.

The greatest single skills shortage is in provision of specialist conservation services where recent figures indicate that 20% of local authorities have no specialist service and a further 30% rely on one full or part time member of staff. The situation is likely to get worse as many of these are on the brink of retirement. Apart from the new areas, such as grading of SAMs, Management Agreements, and the expanded HERS, specialist staff will need to achieve a more integrated approach across different disciplines and professions to give them the confidence to make decisions within a framework of greater local flexibility.

Without investment and additional resources, this legislation will fail. Early Government assurance on this point is essential to secure vital public and sectoral support.

...

Our comments are intended to be practical and constructive since members' experience as practitioners in the heritage protection system offers the Government an important insight. We continue to support the momentum for reform but we have significant concerns about DCMS vision, CLG input, the voluntary sector's role and, most frequently voiced, over resources.

Heritage Link and its members look forward to working with Government in refining and developing the White Paper proposals to workable solutions.

Consultation Questions

We welcomed the opportunity to respond on these three areas omitted in the original consultation.

Question 1: *Should Conservation Area Consent be removed as a specific consent and merged with planning permission. The merger would be combined with amendment 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.*

Members welcomed the opportunity to discuss Conservation Area protection and in particular the intention to reinstate levels of protection pre Shimizu.

Members were concerned that under this procedure the status of conservation areas could be downgraded. However, it was felt that this complicated system of granting and then rescinding of development rights would result, if properly explained, in a simpler process and integrate conservation issues into the planning system.

- The statutory duty of Local Authorities to pay special regard to character and appearance of a Conservation Area should still apply.
- The importance of specialist advice would be crucial to maintain the level of protection. Para 1.3.16 states that statutory guidance would make it clear that conservation professionals should be involved in considering planning applications for sites within a Conservation Area and in any pre-application discussion. This is an essential condition for any change in legislation and it would be expected that Statutory Guidance would accompany legislative change.
- If combined with a public awareness drive, the new 'package' could provide better control over demolition of unlisted buildings in conservation areas, give better guidance over material alterations to external appearance, and might even encourage designation of Conservation Areas.
- There is concern that Conservation Areas are a local designation; it should also be possible to designate Conservation Areas of national significance.
- Applications for Conservation Area Consent do not currently require a fee. Members recommended that the equivalent applications for planning permission should carry a zero fee.

Question 2: *As a means of promoting early consideration of heritage issues in large scale developments, should there be new statutory guidance prompting pre-application assessment and discussing for all major planning applications which may affect historic assets?*

In principle we welcome this move towards greater public involvement and openness subject to clarification over the stakeholders. The reference to PPG16 alone is not fully representative of the way the new system would work as once it is brought together with PPG 15 into the proposed new PPS, other issues, such as the inclusion of the national amenity societies, would need to be incorporated.

- Guidance will be needed on the definition of 'large scale developments' and 'major planning applications'.
- More detail is needed of who (national/local amenity societies, general public) would be included in pre-application discussions and at what stage. Will this mean a two tier system when some stakeholders may be invited to shape an application and others are able to comment once the application is made? If not included formally in pre-application discussion, the national (and local) amenity societies are in effect disenfranchised.
- If the national amenity societies are to participate effectively in pre-application discussions, whether through face to face meetings, site visits or e-consultation, this will add considerably to their workload as statutory consultees. There is doubt whether the considerable workload for local authorities and limited conservation staff would be achieved within existing resources.
- We welcome the potential of this measure to reduce delay. There is an underlying assumption here that earlier discussions will end in agreement but it is unrealistic to think that this process will resolve all conflict.

So while the principle is very welcome as a model of good practice, it has significant implications for capacity and funding for the voluntary heritage organisations. We and our members would like to discuss this in more detail.

Question 3: *As a means of proving 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?*

Few of our members had direct experience of Certificates of Immunity - partly because the present system is so closed - but it was appreciated that spotlisting causes frustration and costs and can give conservation a negative image. If the system is to be used more widely, it should be made more open.

- Certificates of Immunity should carry the same advertisement and consultation conditions as designation applications. There should be a national register of applications for Certificates of Immunity and annual statistics should be published.
- Consideration of entire 'sites' will make proper assessment more difficult and adequate consultation will not be possible if the specific potential historic assets under consideration are not identified. Local voluntary groups may find it difficult to motivate local opinion.
- Allowing applications without a related development proposal will only encourage speculative applications. It will also discourage the development proposals which take account of and provide for the retention and conservation of historic assets.
- 'at any time' might open the system up to speculative applications. We suggest that they should have a fixed life span say 3 years.

We hope you find these comments useful and look forward to the next stages of the process.

Heritage Link
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