

House of Commons Second Reading Briefing on the Environment Bill – The Exclusion of Heritage

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- **The Heritage Alliance supports this bill in overall terms, but with one major exception - at present, Part 1 of the Environment Bill excludes heritage.**
- **This means that monitoring and reporting under the Bill, and future Environmental Improvement Plans, would not be required to cover the historic features and structures in our landscapes, which are inseparable from the natural world. Excluding them is to the detriment of both elements of our environment. This is also a particular concern in relation to the funding of heritage assets.**
- **We have lost half of our traditional farm buildings; hundreds of thousands more are in decay; and almost half of scheduled monuments are under threat, as are stone walls, parkland, and historic field systems¹. As the 25-Year Environment Plan (25-YEP) says, “our failure to understand the full value of... the environment and cultural heritage has seen us make poor choices. We can change that...”²**
- **The current 25-YEP’s Goal Six is “Enhanced Beauty, Heritage and Engagement with the Natural Environment”. The Agriculture Bill similarly approaches the funding of all parts of the environment – natural and historic – on an equal footing.**
- **But the Environment Bill, in complete contrast, does not follow this through. It ignores the 25-YEP’s lead. It excludes most heritage from its definition of ‘environment’, which means Environmental Planning would not need to take the holistic approach that is so effective in the current Plan. This has implications for future funding for heritage and the connections to the Agriculture Bill, as well as in terms of data and annual reporting requirements for both the Secretary of State and the new Office for Environmental Protection (OEP).**

¹ Almost half of scheduled monuments are threatened by burrowing, cultivation, or scrub (Historic England, 2017).

² 25-Year Environment Plan, p. 19

- **The Bill also ignores the Natural Capital Committee’s call for “legally-binding interim and long-term targets for each [our emphasis] of the ten 25-YEP Goals”³.**
- **Unless the Bill is changed, therefore, in 25 years’ time another Government will be saying once again that “our failure to understand the full value of... the environment and cultural heritage has seen us make poor choices.”**
- **This briefing shows how the Environment Bill needs to be amended to put this right. This does not require any special treatment for heritage, just a similar basis to everything else.**

The Heritage Alliance and rural heritage

The Heritage Alliance is England’s largest coalition of independent heritage interests. We unite over 140 organisations which together have over 7 million members, volunteers, trustees and staff. Most of England’s historic environment (including more than half of rural England) is owned, managed or cared for by Heritage Alliance members. The Alliance is represented on DEFRA’s Rural Development Programme Monitoring Committee, Environmental Land Management Engagement Group, and the Stakeholder Group for the Environment Bill. The Heritage Alliance’s specialist Rural Heritage Advocacy Group has written this paper.

Background

The Government’s 25-Year Environment Plan (25-YEP) aims to “leave the environment in a better state” and “deliver world-class environmental governance”⁴. These excellent ambitions were greatly reinforced by its wide understanding of environment. It recognised that environment is multifaceted and interdependent, formed not only of natural features, processes, and biodiversity, but also of the historic and cultural factors which have shaped all these.

Goal Six of the 25-YEP’s ten Goals is “enhancing beauty, heritage and public engagement...”. Heritage helps us understand who we are and how we got here. It is a vital part of our landscapes and of the character and distinctiveness of rural places. It is a vital part of the £19bn rural tourism industry, and of ‘Brand Britain’. Heritage contributes more to the economy than agriculture. There is no Emmerdale without rural barns and walls. And there are no purely “natural” landscapes: all are shaped by generations of human activity, their natural and heritage aspects are interdependent, heritage provides important habitats, and there is much less point in maximising butterfly species if walls and archaeological features are crumbling all around them.

Almost all of this heritage however is economically redundant and much of it is in rapid decline. It is an important public good, and funding for it under the CAP, where it happened, has been very effective: it has for example protected 24,000 archaeological sites. Natural England’s reviews of

³ *State of Natural Capital Annual Report 2020*, Natural Capital Committee, January 2020, p3.

⁴ 25-Year Environment Plan, p22

effectiveness show it as effective compared to other funding objectives⁵. Heritage and landscape being very visible to the public, this funding has been popular⁶ with the public which is, and will be, paying for it. It has also been popular with land managers: even though it is among the most demanding options for applicants, heritage funding is almost always greatly oversubscribed.

But the scale of funding has been tiny. Because heritage was outside EU competence and Directives, it was deprioritised under the CAP. Current heritage funding is a mere ¾ of one per cent of environmental public goods funding. Preliminary assessment of the scale of future need by the RSPB, National Trust, and Wildlife Trusts suggests that a very much higher proportion needs to be spent on heritage⁷.

The 25-YEP is set to change all this, treating the natural and historic environments equally for the first time, and this has been carried through into DEFRA's draft metrics for the 25-YEP, and into the Agriculture Bill, and outline proposals for Environmental Land Management. With the transfer of funding away from direct payments to farmers to environmental public goods, the scene should be set to stop decline, and instead achieve real improvement to rural heritage and landscapes.

But the Environment Bill, if not amended, threatens our endangered rural heritage by its unfortunate exclusion of heritage and the artificial distinction it creates between the natural and historic aspects of our environment. Rectifying this exclusion would allow the heritage sector to fully support this bill.

The Environment Bill as it stands covers only nine of the ten goals of the 25-YEP. It (apart from sporadic references to 'public enjoyment') ignores Goal Six, "Enhanced beauty, heritage, and engagement with the natural environment".

In his opening message in the latest Natural Capital Committee (NCC) Annual Report, NCC Chair Professor Dieter Helm says:

"Of prime importance in the Environment Bill is to ensure that the 25-YEP is put on a statutory basis, along with all ten Goals, with firm milestones..."⁸

Unfortunately, the Environment Bill does not do this. It does it (more or less) for every other Goal, but not for Goal Six. 'Engagement' is peripheral in the Bill, 'beauty' is not mentioned at all, and 'heritage' essentially is covered only once - to exclude it:

⁵ "There is robust evidence that the schemes made a significant contribution to the protection of historic features" (*Agriculture schemes in England: a review of effectiveness*, Natural England, 2009).

⁶ 95% of all adults agree it is important to them that heritage buildings and places are well looked after (*DCMS Statistical Handbook*, September 2016). More specifically, although there has been little research into public views on where agri-environment funding should be spent, what there is suggests that heritage is a high priority for those who are paying: the Uplands survey carried out for DEFRA in 2006 suggested that cultural heritage is highly valued (*Economic Valuation of Environmental Impacts in Severely Disadvantaged Areas*, EFTEC for DEFRA, 2006).

⁷ *Assessing the costs of environmental land management*, RSPB, National Trust, Wildlife Trusts, 2017. This suggests that up to 10 per cent of an annual spend of £2.2bn (UK) should be spent on stone walls and archaeological features.

⁸ *State of Natural Capital Annual Report 2020*, Natural Capital Committee, January 2020, p1.

- Clause 41 excludes “buildings or other structures” from the Bill’s core definition, “natural environment”. Because the term “natural environment” is at the core of the Bill, most heritage (which involves structures like stone walls, traditional farm buildings, and archaeological features) is excluded from most of the Bill’s remit. The parallel Fisheries Bill, in contrast, expressly includes heritage in its definition of “marine environment”⁹.
- Clause 1 limits the setting of “long-term targets”, and reporting on these targets - key parts of the Bill - to the “natural environment” or people’s enjoyment of it. There is no requirement for them to include heritage. If there are no targets to meet, funding obviously cannot be directed at meeting them.
- Clause 7 requiring future Environment Improvement Plans (EIPs) requires these for the “natural environment”. There is therefore no requirement for future EIPs to include heritage – and indeed the specific exclusion of buildings and structures in clause 41 could create a presumption against that.
- Clause 8 requiring the Secretary of State to prepare data and prepare annual reports requires these to consider whether the “natural environment” has improved. Again, crucially, there is no requirement to consider heritage, so it is likely to be excluded. This also applies to clause 14.
- Clause 15 requiring data collection and monitoring requires this only for the “natural environment”. Once again, there is no requirement to measure or monitor heritage, so Government would not know what is happening.
- Clause 22 gives the objective of the Office for Environmental Protection (OEP) as “environmental protection and the improvement of the natural environment”. It does not have to consider heritage in its strategy or activities, or in cases where physical conflicts arise between “natural environment” enforcement and nearby heritage.
- Clause 25 requires the OEP’s monitoring and its annual report on the state of the environment to cover the “natural environment”. Again, and very importantly, there is no requirement for the OEP to report on heritage in its Annual Report, so it would be unlikely to do that.

Why this matters: The integrity of heritage to our natural environment

The rural historic environment is every bit as endangered as the natural environment. Historic sites and structures are integrated with their physical settings. Environmental change, such as flooding, fire or coastal erosion, changes in land management or climate-related weather changes all have the potential to cause damage to historic sites and features – much in the same way as they would impact plant and animal life. As much as historic features may depend on the natural environment, the reverse is also often true: many structures serve as habitats for flora and fauna, including rare

⁹ The Fisheries Bill, s48, includes “features of archaeological or historic interest” in its definition of the “marine... environment”.

and threatened species. For example, lesser horseshoe bats are entirely dependent on buildings for breeding, and a great many other bat species use the roof spaces of historic buildings for roosts.

The natural and the historic are therefore tied together, and what impacts one may well have effects on the other. An assessment of condition and conservation that focuses on only one aspect could create an artificially narrow perspective and may be less effective for the whole environment in the long run. Working to protect and conserve nature and heritage in harmony can deliver improvements to both, and failure to consider the historic environment when seeking to enhance nature on its own can do harm.

We are also concerned that the exclusion of the historic assets will impact on long-term funding for the historic environment. While it is true that under the Agriculture Bill governments will have the ability to fund the 25-YEP's Goal Six ("enhanced beauty, heritage and engagement..."), governments of course have the ability to do many things they do not do. **Nobody sees the mere ability to fund as adequate for any of the other nine Goals of the 25-YEP - why would it be adequate for Goal Six?**

Like other environmental public goods, our heritage needs investment if it is to bring the most benefit to the nation - through enjoyment and access, and its links to the natural world, but also through opportunities for tourism and the rural visitor economy that historic features bring, making places distinctive and inspiring connections to the past. In the past this investment has not been sufficient. The Environment Bill therefore needs to set the framework and ambition for the future and real change that will help deliver the investment needed through future environmental land management schemes and other funding opportunities.

In the past, under the CAP, we lost hundreds of thousands of traditional farm buildings - about 15 buildings a day. CAP funding saw heritage as a very low funding priority: it is currently just ¼ of one per cent of total funding. Hundreds of thousands more buildings are currently collapsing. Many thousands of miles of stone walls and other boundaries have disintegrated or been lost. And, unlike many other elements of the environment, heritage is non-renewable: as DEFRA's Health and Harmony consultation said, "once lost, it cannot be recreated"¹⁰.

Stopping this loss of heritage requires change to this Bill. With that change, we can expect dramatic improvement: heritage funding is highly effective. Without change to the Environment Bill, in another 25 years another government would, once again, be saying "our failure to understand the full value of... the environment and cultural heritage has seen us make poor choices."

What needs to be done

We will be proposing a small number of amendments that will allow heritage to be recognised with the natural environment and protected as such.

We are not suggesting that heritage should be included in the Bill's definitions of 'environmental law', or in the enforcement functions of the OEP (because heritage has its own protection mechanisms).

¹⁰ *Health and Harmony, Evidence Compendium*, DEFRA, February 2018, p55.

In these amendments, we ask for heritage, in the form of archaeological, architectural, artistic, cultural or historic assets, to be included in future Environmental Improvement Plans alongside the natural environment, and to be included in annual reporting and monitoring of Environmental Improvement Plans by the Secretary of State and the Office of Environmental Protection. Finally, sites of archaeological, architectural, artistic, cultural and historic interest should be included in the definition of the natural environment.

The National Trust on the Environment Bill: "Heritage is embedded alongside nature in our landscapes, sharing the same physical spaces and facing similar challenges. What impacts one may well influence the other. Historic structures and buildings often support wildlife and biodiversity; looking only at the "natural" elements of environment therefore does not give the full picture. Future planning, monitoring and reporting for the environment should take a holistic approach that seeks to leave all aspects of our environment in a better state for future generations"

The CLA on the Environment Bill: "it fails to put the historic environment on the same footing as the natural environment, which is very dangerous for future funding for endangered rural heritage"

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The Heritage Alliance is England's coalition of independent heritage interests. We unite more than 140 organisations which together have over seven million members, volunteers, trustees and staff. We sit, alongside DEFRA, on the Government's Heritage Council. Members of our Rural Heritage Advocacy Group include, amongst others: The National Trust, Historic Houses, Country Land & Business Association, English Heritage, Chartered Institute for Archaeologists, Council for British Archaeology, Inland Waterways, Ancient Monument Society, Canal and River Trust, The Gardens Trust, The Historic Religious Buildings Alliance, RESCUE, Campaign to Protect Rural England, Wessex Archaeology, Association of Local Government Archaeological Officers and various academic institutions. Most of England's historic environment (including more than half of rural England) is owned, managed or cared for by Heritage Alliance members. The Alliance is represented on DEFRA's Rural Development Programme Monitoring Committee, Environmental Land Management Engagement Group, and The Stakeholder Group for the Environment Bill. The Heritage Alliance's specialist Rural Heritage Advocacy Group has written this paper.