

# Historic Environment Record Supplementary Briefing

July 2014

# The Heritage Alliance

## About the Heritage Alliance

The Heritage Alliance is a non-government organisation based in the UK.

The Heritage Alliance is the largest coalition of heritage interests in England. Together its members own, manage, and care for the vast majority of England's historic environment. The Heritage Alliance represents 91 Members – major national and regional non-Government organisations, which are in turn supported by over 6.3 million members, volunteers, Trustees and staff.

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*We want to see a statutory requirement for local authorities to have access to historic environment services including Historic Environment Record Services.*

*The Heritage Alliance Manifesto 2014/15*

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## What is the Heritage Alliance asking for?

The Heritage Alliance calls on the UK government and political parties to adopt the legislation in Clauses 210-215 of the Heritage Bill 2008, which shall enforce a statutory duty on local planning authorities to create and maintain (by keeping up to date) a Historic Environment Record [HER] for its particular area.

## How can this be achieved?

In recent years, government policy has pointed to the importance of HERs as an essential resource at the local authority level. The National Planning Policy Framework (2012), for example, has recognised the requirement for local planning authorities to maintain or have access to a HER [NPPF [para.169](#)]. The Minister for Culture, Communications and the Creative Industries, Ed Vaizey MP, also initiated a review in January 2014 into the future of local government archaeological services to be undertaken by Lord Redesdale and John Howell.

While these steps continue to demonstrate the importance of HERs, the Alliance points to the specific provisions of the Heritage Bill 2008 (Part 5 of the Bill: Clauses 210-215) that the UK government needs to adopt to ensure local authorities in England provide historic environment services as a statutory duty. The specific excerpts from the Heritage Bill 2008 which relate to HERs as a statutory duty can be found below. We are seeking a government-sponsored bill (originating from the Department for Communities and Local Government or the Department for Culture, Media, and Sport), but will also encourage the use of opportunities presented by a private member's bill or an amendment to relevant legislation before Parliament.

## Why are we asking for this change?

*"Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use" Historic Environment Record: National Planning Policy Framework (2012)*

The access to up-to-date and high quality information on the historic environment provided by HERs is integral to the protection of the historic environment, alongside the delivery of wider government objectives (including the

National Planning Policy Framework). Currently, there are more than 80 HERs at the local authority level in England maintained on a discretionary basis, which act to inform strategic policies and decision-making relating to spatial planning, development control, land management, and improving the protection of the historic environment. HER's also act as a unique repository and sign-post to up to one million years of human activity, and provide a resource for conservation, regeneration, and local history.

The importance of making access to HERs a statutory duty for local authorities has become critical in recent years following the drastic reduction and closure of some local authorities historic environment advisory services in the years following the Global Financial Crisis. These reductions, alongside the overall decline in specialists providing professional advice, could have catastrophic consequences for the overall protection of the historic environment. As a report on Local Authority Staff Resources produced by English Heritage, Institute of Historic Buildings Conservation [Alliance member], and the Association of Local government Archaeological Officers has demonstrated, there has been a continuous downward trend in the overall number of people delivering historic environment advice with a 28% decline since 2006.

The decline in HERs services affects not only the historic environment but also wider government sustainable development objectives. It is clear that professional planning advice and a well-maintained HER are critical for local economic growth and development, by allowing commercial firms to meet statutory requirements more promptly, for specialists to provide an early indication of the impact on heritage assets, and help to prevent wasted applications, unmanaged risk (and compensation), and minimise unplanned costs and delays to development. As the economy recovers the number of planning applications are increasing, but the number of archaeological advisors and conservation officers supporting planning authorities is falling. More critically, some authorities have opted to dispense with any such advice. Continued recovery could therefore be potentially be frustrated by over-stretched officers or the failure of a local authority to provide adequate planning advice.

The Heritage Alliance therefore advocates that a statutory duty on local planning authorities to create and maintain (by keeping up to date) a Historic Environment Record [HER] for its particular area is critical.

The draft provisions of the Heritage Protection Bill were the subject of public consultation, received cross-party support and were assessed as not presenting a significant or lasting additional burden on local authorities. It should be noted that the provisions, insofar as they relate to Wales, are now the responsibility of Welsh Government, and many are being actively pursued through the Welsh Heritage Bill.

## Heritage Bill 2008

### PART 5: HISTORIC ENVIRONMENT RECORDS

- (1) A local planning authority to which this section applies must create a historic environment record and keep it up to date.
- (2) A historic environment record is a record which contains –
  - a. details of any registered heritage assets in the local planning authority's area;
  - b. details of each registrable structure or registrable open space in the local planning authority's area that the authority considers to be of special, local –
    - i. historic interest;
    - ii. archaeological interest;
    - iii. architectural interest;
    - iv. artistic interest;
  - c. details of any other sites in the local planning authority's area that the authority considers to be of archaeological interest;
  - d. information about the way in which the archaeological, architectural or historic development of the local planning authority's area or any part of it has contributed to the present character of that area or part and about how that character may be preserved; and
  - e. details of relevant investigations carried out in the local planning authority's area and of the findings of such investigations.

- (3) For the purpose of subsection (2)(a) each of the following is a “registered heritage asset” –
  - a. A registered heritage structure;
  - b. A registered heritage open space;
  - c. A registered marine heritage site;
  - d. A world heritage site.
- (4) For the purposes of subsection (2)(e) each of the following is a “relevant investigation” –
  - a. Any investigation carried out, for the purpose of obtaining information of historic, archaeological, architectural or artistic interest relating to the area, by –
    - i. English Heritage
    - ii. The Welsh Ministers
    - iii. The Royal Commission on the Ancient and Historic Monuments of Wales; or
    - iv. The local planning authority;
  - b. any other investigation carried out for that purpose which the local planning authority considers appropriate to include in the historic environment record.
- (5) The Secretary of State may by order amend subsections (2) to (4).
- (6) Before making an order under subsection (5) the Secretary of State must consult the Welsh Ministers
- (7) For the purposes of this section a site or other thing is to be regarded as being in a local planning authority’s area if any part of it is in that area.
- (8) This section applies to any local planning authority which is –
  - a. A county council;
  - b. A county borough council;
  - c. A district council for an area for which there is no county council; or
  - d. A National Park authority

## 211 Greater London historic environment record: duty to create and keep up to date

- (1) English Heritage must, subject to any arrangements under subsection (2), create and keep up to date the Greater London historic environment record.
- (2) The London borough councils, acting jointly, may make arrangements for the Greater London historic environment record to be created and kept up to date by a person other than English Heritage.
- (3) The Greater London historic environment record is a record which contains –
  - a. Details of any registered heritage assets in Greater London;
  - b. Details of each registrable structure or registrable open space in Greater London that the London borough council concerned considers to be of special, local –
    - i. Historical interest;
    - ii. Archaeological interest;
    - iii. architectural interest; or
    - iv. artistic interest;
  - c. details of any other sites in Greater London that the record manager considers to be of archaeological interest;
  - d. information about that way in which the archaeological, architectural or historic development of the area of Greater London or any part of it has contributed to the present character of that area or part, and about how that character may be preserved; and
  - e. details of relevant investigations carried out in Greater London and of the findings of such investigations.
- (4) For the purposes of subsection (3)(a) each of the following is a “registered heritage asset” –
  - a. A registered heritage structure;
  - b. A registered heritage open space;
  - c. A registered marine heritage site;
  - d. A world heritage site
- (5) In subsection (3)(b) “the London borough council concerned” means the council of the London borough in which the registrable structure or registrable open space is situated.
- (6) For the purposes of subsection (3)(e) each of the following is a “relevant investigation” -

- a. Any investigation carried out, for the purposes of obtaining information of historic, archaeological, architectural or artistic interest relating to Greater London, by –
    - i. English Heritage; or
    - ii. A London borough council; or
  - b. Any other investigation carried out for that purpose which the record manager considers appropriate to include in the Greater London historic environment record.
- (7) The secretary of State may be order amend subsection (3) to (6).
- (8) For the purposes of this section a site or other things is to be regarded as being in Greater London if any part of it is in that area.
- (9) In this section “the record manager” means –
- a. English Heritage; or
  - b. Where arrangements under subsection (2) have effect, the person who under those arrangements is to create the Greater London historic environment record and keep it up to date.

## 212 Contents of historic environment records; further provision

- (1) A historic environment record must indicate, as respects each registrable structure, registrable open space or other site included in the record, whether it is –
- a. A registered heritage structure, registered heritage open space, registered marine heritage site or world heritage site;
  - b. Of special local interest; or
  - c. Of archaeological interest.
- (2) In subsection (1) “special local interest” means special, local –
- a. Historic interest;
  - b. Archaeological interest;
  - c. Architectural interest; or
  - d. Artistic interest.

## 213 Publication of historic environment records

- (1) A local planning authority must –
- a. Make its historic environment record available for public inspection;
  - b. Provide a copy of all or any part of its historic environment record to any person requesting it;
  - c. Make available, to any person wishing to inspect its historic environment record, appropriate advice and assistance for the purposes of retrieving and understanding information contained in the record; and
  - d. Compile a document containing information retrieved from its historic environment record for any person reasonably requesting it.
- (2) A local planning authority must –
- a. The provision of copies under subsection (1)(b);
  - b. The provision of advice and assistance under subsection (1)(c);
  - c. The compilation of documents under subsection (1)(d).
- (3) Fees charged under subsection (2) must be calculated by reference to the cost of providing the service to which the fee relates
- (4) Any reference in subsection (1) to a local planning authority’s historic environment record is, in the case of a local planning authority that is a London borough council, a reference to the Greater London historic environment record.
- (5) In this section and sections 214 and 215 “local planning authority” means a local planning authority to which section 210 applies or a London borough council.

## 214 Guidance

- (1) The appropriate national authority may issue guidance, to which a local planning authority must have regard –
  - a. As to the exercise of any of the local planning authority’s functions under section 213(1); or
  - b. As to the setting of fees to be charged under section 213(2)
- (2) Before issuing guidance under this section, the Secretary of State must consult –
  - a. English Heritage;
  - b. Each local planning authority in England; and
  - c. Any other person the Secretary of State considers appropriate.
- (3) Before issuing guidance under this section, the Welsh Ministers must consult –
  - a. Each local planning authority in Wales; and
  - b. Any other person the Welsh Ministers consider appropriate.
- (4) The Secretary of State may, instead of issuing guidance under this section, direct English Heritage to issue that guidance.
- (5) Before issuing guidance by virtue of subsection (4), English Heritage must consult –
  - a. The Secretary of State;
  - b. Each local planning authority in England; and
  - c. Any other person English Heritage considers appropriate.

## 215 Special local interest

- (1) A local planning authority must publish –
  - a. Criteria by reference to which it will determine whether a registrable structure is of special local interest;
  - b. Criteria by reference to which it will determine whether a registrable open space is of special local interest.
- (2) In this section “special local interest” means special, local –
  - a. Historic interest;
  - b. Archaeological interest;
  - c. Architectural interest; or
  - d. Artistic interest
- (3) Any criteria under subsection (1) may make provision –
  - a. In relation to different kinds of registrable structure or registrable open space;
  - b. In relation to special local historic interest, special local archaeological interest, special local architectural interest or special local artistic interest.
- (4) A local planning authority must not determine that a registrable structure or registrable open space is of special local interest unless it has consulted each owner of, or of any part of, the registrable structure or registrable open space in question.
- (5) In the case of a registrable open space in Wales, subsection (4) does not apply where the number of owners makes it impracticable for the local planning authority to consult each of them.
- (6) Where subsection (4) does not apply, the local planning authority must publish a notice inviting written representations about the proposed determination.
- (7) A notice under subsection (6) must specify the period within which representations may be made, which must be at least 28 days beginning with the date of the notice.

## Useful resources and websites

- The Institute for Archaeologists [Alliance member] <http://www.archaeologists.net/>
- All Party Parliamentary Archaeology Group <http://www.appag.org.uk/>
- The Archaeology Forum <http://www.archaeologyuk.org/archforum/pubs.html> or [http://www.archaeologyuk.org/archforum/Why\\_Local\\_Government\\_Needs\\_Archaeology\\_Advisors\\_short.pdf](http://www.archaeologyuk.org/archforum/Why_Local_Government_Needs_Archaeology_Advisors_short.pdf)
- Council for British Archaeology [Alliance member] <http://new.archaeologyuk.org/>

- Historic Environment Local Management [HELM] <http://www.helm.org.uk/>
- IHBC, Association of Local Government Archaeological Officers, English Heritage. 2013. 'A fifth report on Local Authority Staff Resources' July 2013 <http://www.helm.org.uk/guidance-library/fifth-report-la-staff-resources/5th-rep-LAStaff.pdf>
- National Planning Policy Framework 2012  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf#page=41](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf#page=41)
- English Heritage. 2009. Sites and Monuments Record to Historic Environment Record – Local Authority Case Studies <http://www.english-heritage.org.uk/content/publications/publicationsNew/guidelines-standards/smr-to-her-local-authority-case-studies/acc-smr-her.pdf>