

Right to Regenerate: reform of the Right to Contest

The Heritage Alliance Response

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Heritage
Alliance

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The Heritage Alliance unites over 150 independent heritage organisations in England as a powerful, effective and independent advocate for heritage. As England's biggest coalition of heritage interests, it brings together independent heritage organisations from the National Trust, English Heritage, Canal & River Trust and Historic Houses, to more specialist bodies representing visitors, owners, volunteers, professional practitioners, funders and educationalists. Its members – 7 million volunteers, trustees, members and staff – demonstrate the strength and commitment of the independent heritage movement.

We have provided responses to the most relevant questions.

3. Would a definition of unused or underused land be useful, and, if so, what should such a definition include?

A definition of 'unused' or 'underused' land might be helpful in ensuring that land with a purpose other than providing housing and infrastructure, such as providing a green space, enhancing local biodiversity, or preserving historical structures or archaeological features, is not treated as 'unused'.

Any definition of unused or underused land ought to take into consideration the (potential) heritage value of the land, including any historical structures and archaeological features. Land should not be defined as 'unused' or 'underused' when it is being preserved, maintained or assessed for its heritage value.

Some land with heritage value will be underused or unused and will hold potential for a new use which is sympathetic to its historic fabric; this land should not be excluded from a definition of 'unused' but its historic importance must be taken into account in any future use of the land. Thus, any process which considers whether land is 'unused' or 'underused' must also include an assessment of its heritage value. An example might be high quality Victorian former school buildings which could be converted rather than demolished.

5. Should the government incentivise temporary use of unused land which has plans for longer term future use?

We welcome the idea of incentivising appropriate temporary uses of unused land. This has the potential to stimulate and

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create exciting new partnerships with the culture sector. The [project at the old Gasworks site on Folkestone's Foord Road](#), which put on a Memory Cafe and a temporary exhibition of the memories and recollections of the former Gasworks, is a very positive example of one such partnership, which built a sense of community and heritage around an unused site, and contributed positively to developing the future of the site. This also has the benefit of increasing the likelihood that heritage structures are maintained and do not deteriorate

Incentivising for temporary use, however, does hold some risks if the heritage value of the land is not carefully taken into account. Temporary uses require a less thorough planning process than permanent uses, so there is the potential for less care to be taken not to displace or damage any historical structures or archaeological material that might exist. We ask that, when land is assessed as being 'unused' or 'underused', the heritage value of the land is also assessed and that there is an obligation to consider this assessment in the temporary use of the land.

9. Should government offer a 'right of first refusal' to the applicant as a condition of disposal?

A consideration should be made as to who these rights are offered to. Offering a 'right of first refusal' to Community organisations, to give them the time to raise the required money without rival bidders, would be very beneficial and has the potential to deliver significant community and heritage value through various projects. However, property developers may use this right to gain a monopoly on a certain site. This would be particularly harmful if the land granted had historical structures or archaeological features, which the developers were not obligated to consider. Priority for land disposal should be given to organisations with a limited cash flow but a clear community or public purpose, such as community land trusts, charities, social enterprises and community businesses.

10. Should the government impose conditions on the disposal of land? And if so, what conditions would be appropriate?

If any historical or archaeological assets are identified on the land, the conditions imposed on the disposal of the land should include an obligation to protect and enhance these features. There should also be conditions imposed to ensure that land is utilised quickly and does not remain unused but outside public ownership and control.