

REVIEW OF HERITAGE PROTECTION: THE WAY FORWARD

June 2004

FOREWORD

**By the Rt Hon. Lord McIntosh of Haringey,
Minister for Media and Heritage**

In July 2003 the Government published *Protecting our historic environment: Making the system work better*, a consultation document containing suggestions for reforming the heritage protection system.

Responses to that consultation showed that there is widespread support both for the existing protection system and for improving it further. At the beginning of this process we made clear that we would not be making change for change's sake, and that any new system would not undercut the protections that have been built up over time. The response to consultation has confirmed that resolution. There is much in the current system that works well – we are now seeking to update it and make it fit for purpose in the 21st century.

The responses to consultation were positive and detailed, and came from organisations and individuals across the sector. We were hugely encouraged by the level of engagement and the support for the proposals for change – for example, more than four in every five respondents favoured a single unified list of all heritage assets, and almost 100% supported plans to make the listing process more open. A more detailed summary of the 500 responses that we received is contained in an appendix to this paper, but they provided us with much information to build upon. This report aims to pull this work together and to detail the next steps that the Government proposes to take.

Protecting our historic environment: Making the system work better set out a series of suggestions for reforming the system, some of which could be begun quickly, and some of which would need primary legislation and gradual introduction over a period of years. Based on views received in consultation, at the regional seminars held across the country and ongoing detailed work, we have developed these into measures for short and longer-term action.

These include bringing greater clarity for people owning, living in, using and managing historic properties about the significance of those assets. It is also time to develop new ways of managing complex sites, and in developing real partnerships with those who own and manage them. Of course, many of these plans will need further work to develop them. That is why English Heritage have launched a series of pilot projects to allow us to further test and develop our ideas by working in real places, with real people.

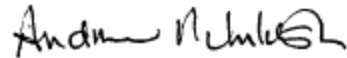
Because we can learn so much from the pilot projects and from continuing to involve the whole sector in our ongoing work, we have decided to defer the publication of a White Paper until nearer to legislation to fully incorporate the results of the programme. It is likely that we would publish a White Paper next year, with a view to seeking Parliamentary time at the first opportunity – probably in 2006/7. However, we are conscious that we hold the historic environment in trust for generations to come. It is vital that we fully explore proposals for change and get them right before we come to primary legislation. We propose to use the next 2-3 years to fully seize that opportunity.

We have come a long way since the Secretary of State announced a review of heritage protection legislation in November 2002. But we could not have done this alone. We are grateful for the support, enthusiasm and commitment of individuals and organisations across the sector, without whose contributions we would not be where we are today.

The Government salutes this spirit of partnership, and will continue to support and draw on it to inform our thinking right up to the White Paper, legislation and implementation of the new system. Special thanks are also due to the members of the Review Steering Committee which has overseen the work of the Review, and its chair, Geoffrey Wilson. The Committee

has provided Ministers with valuable advice and insights, and I would like to formally thank them for this. We also owe much to English Heritage, our partners in this Review. Their contribution has been substantial, and the emerging lessons of the pilot projects will continue to underpin that hard work and commitment.

I am proud of the progress that we have made so far, and I am confident that, in partnership with all of those who continue to contribute their views and expertise, we will achieve effective, lasting, positive change. We have made a solid beginning, and the work we do now will be tangible for years to come.

A handwritten signature in black ink, appearing to read "Andrew McIntosh". The signature is fluid and cursive, with a prominent initial 'A' and a stylized 'M'.

ANDREW MCINTOSH

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APPENDIX 2

Summary of responses to the consultation paper *Historic Environment Records*

This paper is about England. Wales shares some of the same legislation: the Welsh Assembly Government issued *Protection of Historical Assets in Wales: A Consultation Paper* in September 2003. This sought views on the legislation governing the protection of the historic environment in Wales and how heritage assets in Wales should be safeguarded in the future. The Welsh Assembly Government is currently considering next steps in the light of responses to that consultation exercise. Scotland and Northern Ireland have their own legislation.

1. INTRODUCTION

Context for review

The **Review of Heritage Protection Legislation** was initially conceived as a response by Government to the concerns and issues which had been raised over time about the way the historic environment was being protected. However it has become increasingly clear over the 18 month period of the Review that the whole historic environment has a key role to play in the future rebuilding and regeneration of neglected and marginalised communities. There are for instance numerous recent examples of where heritage-led regeneration has breathed life into townscapes. The Government is working on a project to promote the contribution of all culture to regeneration and the historic environment is key to its success. The historic environment brings in tourism to towns, it promotes education and learning, it brings social inclusion and it engages local communities, giving them a pride of place.

So the context within which the Review outcomes will be implemented is much broader than the drivers for change which started the process. Its outputs will contribute to the creation of sustainable urban and rural communities in which people enjoy living and working.

Current System

The current system, evolved over more than a century, has gradually built up a comprehensive legislative framework which safeguards many different components of the historic environment. It is a system which commands wide public support and buy-in for the way it has prevented the destruction of our communal history. This Review began with a commitment that the current level of protection for the historic environment would not be lessened by its outcomes. Rather the Government intends to build on and enhance what is good and effective.

Drivers for Change

Despite all that had been achieved over the past century, there was a momentum for designation reform which stemmed from dissatisfaction amongst Ministers, administrators and those within the historic environment sector itself about the way some aspects of the system currently operated. The system of designation and its associated controls was charged (not always accurately, but perceptions matter) with being incoherent, inflexible and over-protective of some parts of the historic environment while under-valuing the general character of the whole. These negative perceptions included:

- the variety of designation regimes offered varying degrees of protection but did not always accurately reflect relative significance;
- the regimes were inflexibly linked to regulatory regimes that were excessive at one end of the scale and ineffective at the other;
- the regimes were difficult to apply to complex sites and larger-scale environments and thus at odds with the desire to manage the whole rather than components of the historic environment: examples included major industrial sites, parks and gardens that embraced both buildings and landscape, post-war new towns, town centres, public housing and universities and the military estate;
- the systems made it difficult to develop complementary management regimes that both signified the importance of the resource and could positively manage its future;

- as the pace of development quickened over the last 20 years, spot listing had increasingly been employed as a mechanism for last-minute intervention in the planning process. Although the spot-listing system works remarkably smoothly with around 3,000 cases every year being dealt with by both DCMS and English Heritage, a few (around 1%) high profile cases have been enough to convey the image of listing as an obstructive regime, particularly damaging in regenerative contexts which are a top priority for government delivery. This has created a negative public face for the sector as a whole.
- in the larger context, spot listing distorted designation activity. It did not allow prioritisation according to threat, was demand rather than need-led and disguised major weaknesses in the statutory list cover, especially (but not exclusively) in urban England, last revised in the 1970s;
- in addition, for historic reasons, there had been an untidy build-up of designation legislation. This has led to inconsistencies between existing procedures and overlap between the scheduling and listing processes, as well as inefficiencies and lack of clarity.

Aims and Objectives

The Review aimed to deliver:

- a positive approach to managing the historic environment which would be transparent, inclusive, effective and sustainable and central to social, environmental and economic agendas at a local and community as well as national level; and
- an historic environment legislative framework that provided for the management and enabling of change rather than its prevention.

Its objectives were to:

- review in depth the current designation system and control systems and their legal basis;

and

- design an effective designation and control system, fit for purpose and supporting the *A Force for our Future* policy framework. The new system would protect and sustain the historic environment as a whole as well as its constituent parts and would put the historic environment at the heart of the community.

Approach

A project was set up to examine the issues in depth. A massive fact-finding exercise was instituted across the sector and beyond through regional seminars, individual interviews and focus groups. Early soundings taken in the pre-consultation period made it clear that, for many stakeholders, the current heritage protection systems were complex. New protections had been added piecemeal over time. Few people, even amongst those working with the systems on a daily basis, had a clear grasp of all parts of the legislation and unsurprisingly there were inconsistencies in its interpretation. A system was needed which was more simple and transparent to the general public and other key stakeholders but which maintained at least the same level of protection for historic assets.

The information gained from the pre-consultation phase led to a set of proposals for change. These proposals were set out in the consultation document *Protecting the historic environment: Making the system work better*, launched in July 2003. Throughout the consultation period a further series of seminars for key stakeholders and other interests discussed the proposals and how they might work. In addition, a number of working groups,

which included historic environment and legal experts, examined the proposals to see how they might work in practice and any potential problems.

Once the consultation period was over the responses (over 500) were analysed and the findings informed and supported the final decisions. The majority of responses were substantive and thoughtful. They were largely supportive of most of our proposals. Where they were against, there were sensible and logical reasons.

Other Reviews

The Government has embarked on 3 further reviews which support the same aims and objectives of the main review: the role of Historic Environment Records; the marine historic environment and the Ecclesiastical Exemption. Further details are at Annex E.

2. DECISIONS

The Government based its final decisions on the results of the consultation, supported, informed and modified by more detailed work on each proposal done over the consultation period by DCMS, English Heritage and other outside experts. A detailed summary of the consultation responses is an Appendix to this document.

The decisions for change fall into two packages:

- a short term package of measures which can be introduced without primary legislation, some of which will be implemented from April 2005; and
- a longer-term package of measures which will require primary legislation.

Dealing with existing designations

The proposals in this document form the basis for a new system of heritage protection which will be more transparent, flexible and comprehensible to all those who manage, own, live in and deal with designated sites on a day-to-day basis. As soon as the new system is implemented it will be applied to all new designations.

However, this country has a huge stock of listed buildings, scheduled ancient monuments, registered parks and gardens and battlefields. The Government is aware that careful consideration will need to be given to the most effective way of applying new mechanisms to existing designations, and that this will need to be done over time. It may be, for instance, that some elements of the new system could be triggered by an application for works to a site or a change in ownership. However, the over-riding consideration in developing a strategy for applying the new system across the existing asset range will be to ensure that the necessary expert work supporting implementation is of the highest quality and is managed and delivered smoothly. We propose to use the next three years to develop effective, practical and appropriate models for achieving this without compromising existing levels of protection.

Short Term Package

The following measures will combine to form the short-term package:

- **English Heritage will take over the administration of the current listed buildings system from April 2005.** Changes to the list will be subject to the approval of the Secretary of State.
- **DCMS and English Heritage will review now the criteria for listing buildings.** This will be consulted on this year.
- **English Heritage will construct a "summary of importance",** setting out the reasons for listing.
- **With each "summary of importance" English Heritage will provide a map that shows the extent of listing.**
- **Under current legislation, English Heritage will begin consulting owners and local planning authorities on applications to list buildings** from the point at which DCMS hand over responsibility for the administration of listing.

- **English Heritage will produce an information package for owners.**
- **DCMS will introduce a more formal review process** than exists at present, from the point at which DCMS hand over responsibility for the administration of listing.
- **English Heritage will co-ordinate pilot partnerships of themselves, local authorities and other relevant parties in a sub-regional grouping** to test the feasibility of sharing skills, expertise and good practice.
- **Government will review the operation of the *Ancient Monuments (Class Consents) Order 1994*** in order to improve the protection of nationally important archaeological sites from the damaging effects of ploughing. English Heritage will undertake the preparatory work to deliver this reform, in consultation with interested parties.

Longer-Term Package

The implementation of the longer-term package will, as regards the major proposals, require primary legislation. The package consists of the following:

- **There will be a single unified "Register of Historic Sites and Buildings of England"**. It will bring together the current regimes of listing, scheduling and registration and incorporate World Heritage Sites. In addition there will be a "local section" which will contain a record of all conservation areas and other local designations such as local lists and registers.
- **Different types of historic asset should be integrated into a single register entry on some sites.**
- **English Heritage will be given statutory responsibility for designating at national level, subject to the following agreed safeguards:** a statutory right of appeal to the Secretary of State; a call-in procedure for Secretary of State; a policy framework set by the Secretary of State and an annual report.
- **Government will put on statute an overarching definition of historic assets.** There will be a set of strictly technical criteria for each category of asset which will be non-statutory. English Heritage will have discretion as to whether to add an asset to the national section of the Register.
- **A revised system of grading will be introduced** and applied to all new items on the proposed main section of the unified " Register of Historic Sites and Buildings for England".
- **The current GI and GII* levels will be combined and renamed G1.** The current GII level will remain but be renamed G2.
- **From the point of notification to the owner and local authority of an application to list, there will be a period of public consultation and an interim protection put on each asset.**
- **There will be a statutory right of appeal to the SoS for owners against the decision to designate or not to designate.**

- **There will be a new opportunity for statutory management agreements to be employed as an alternative management regime for some sites.** Full “statements of significance” will be constructed where statutory management agreements are going to apply.
- **There will be an integrated consent regime, unifying listed building consent and scheduled monument consent and administered by local authorities. It will incorporate statutory management agreements, with reference to English Heritage as appropriate. Government will also consider further the findings of the research report on the possible unification of consent regimes, including the unification of planning permission and conservation area consent.**
- **Government will require local authorities to establish and maintain Historic Environment Records or have access to one.**

English Heritage Pilots

English Heritage has launched a series of pilot projects which will test the core components of both the short term and longer-term packages. Details are at Annex D.

3. THE NEW SYSTEM

The Register Of Historic Sites And Buildings Of England

As one of the key planks of a new simplified system, the Government has decided to bring together the different protection regimes into a single "Register of Historic Sites and Buildings of England". This will be a major contribution to the development of a comprehensive inventory of the historic environment of England, bringing together the disparate range of legislation currently dealing with archaeology, historic buildings, parks and gardens and battlefields and covering a wide range of major historic assets. The "Register" will include World Heritage sites, as well as a local section within which will be included a record of all conservation areas and other local designations such as local lists and registers. The management arrangements and controls that will flow from being on the Register will depend on the type of asset, its importance, its condition and use.

The Government has decided that the new system should be structured in two sections:

- A main section, compiled by English Heritage, that will incorporate the existing regimes of listing historic buildings, scheduling archaeological sites and monuments, and registering historic parks, gardens and battlefields. This will enable integration of sites with multiple designations into a single list entry where appropriate. It will also include World Heritage Sites.
- A "local section" which will contain a record of all conservation areas and other local designations such as local lists and registers.

English Heritage will compile and maintain the Register of Historic Sites and Buildings for England and be responsible for national designation, working within nationally agreed and openly published criteria. Local authorities will be responsible for compiling the local section. To achieve consistency across the country, local designations will be made against criteria and guidance drawn up by English Heritage. These criteria will also be published.

This arrangement is intended to demonstrate clearly that significance in the historic environment is assessed and owned from both ends, national and local. There is also an international dimension in World Heritage Sites.

Decision

There will be a single unified "Register of Historic Sites and Buildings of England". It will bring together the current regimes of listing, scheduling and registration and include World Heritage Sites. In addition there will be a "local section" which will contain a record of all conservation areas and other local designations such as local lists and registers. English Heritage will compile and maintain the Register and be responsible for national designation. Local authorities will be responsible for compiling the local section. Local designations will be made against national criteria and guidance drawn up by English Heritage.

Responsibility For National Designation

At present the Secretary of State takes the decision to list a building or schedule a monument. English Heritage decides on the non-statutory registration of parks, gardens and battlefields. In deciding whether to list a building the Secretary of State must adhere to the criteria set out in PPG15. She must also take account of the advice she receives from her statutory adviser, English Heritage. In addition she chooses to take advice from the Commission for Architecture and the Built Environment (CABE) in the case of post-war buildings. In carrying out this function she is supported by a number of officials who

administer a large part of the system, closely liaising with and, in part, duplicating the work of English Heritage designation teams.

Following overwhelming support for this proposal from the public consultation, the Government has decided that the Secretary of State should make policy rather than decide each individual case and will give English Heritage the statutory responsibility for maintaining the Register and administering the system. This will be subject to four safeguards:

- English Heritage will be required to act within published Government policies and criteria for designation.
- The Secretary of State will retain a power to call in exceptional cases for her decision.
- Owners will have a new statutory right of appeal.
- English Heritage will be required to give an annual account of its stewardship of the Register against the published policies and criteria.

The Government believes that giving English Heritage the statutory responsibility for compiling the main Register, subject to the suggested safeguards, will bring much improved clarity and accountability and remove misconceptions about the distinction between government as policy-maker and English Heritage as case-by-case decision-maker. English Heritage would be able to reject, without detailed consideration, applications which clearly had no merit. Government, like the overwhelming majority of consultees, does not see the need for an independent committee to vet applications and considers that this would bring an extra tier of bureaucracy which would be both resource-hungry and time-consuming. It would also recreate the perceived double handling with DCMS which these proposals were intended to remove.

Decision

English Heritage will have statutory responsibility for designating at national level, subject to agreed safeguards: a right of appeal to the Secretary of State; a call-in procedure for the Secretary of State; a policy framework set by the Secretary of State and an annual report.

Administration of the Listing Buildings System

Transferring statutory responsibility for designating at national level to English Heritage will require primary legislation. In the meantime it has been decided that the administration of the listing building system should pass to English Heritage, with the Secretary of State for Culture, Media and Sport taking the decision to approve the list thus compiled by English Heritage. This would remove the current duplication from the system and would have the added advantage of assisting in testing new procedures and systems in advance of English Heritage taking over the maintenance of the full system.

Decision

English Heritage will take over the administration of the current listed building system from 1st April 2005. Changes to the list will be subject to the approval of the Secretary of State.

Criteria

The Government has concluded that the criteria for designation should be very tightly drawn up and technical. Keeping designation 'pure' in this way was strongly supported at consultation stage by some 88% of those responding. The concepts of designation and the

ongoing management of an asset must not be confused. Designation is the recognition of national importance and what happens thereafter will be for negotiation, right down to the options for recording and demolition.

The Government will address the issues around technical criteria and how best to frame them in legislation. It is of the view that the criteria themselves should not be defined in statute as this would be restrictive and heavy-handed. There is currently a different set of criteria for each type of asset and these would need to be refined and clarified over time to reflect the integration of the inherited regimes and advances in understanding. The government intends to put on statute an overarching definition of historic assets which will include the following categories:

- Archaeological remains such as earthworks/excavation above/below ground, man-made deposits (in e.g. caves)
- Buildings (including post-war)
- Underwater historic assets (including in rivers, ponds etc)
- Man-made landscapes
- Battlefields
- Historic areas

The Government and English Heritage will design a set of criteria for each category of the assets above to set the basic parameters. As now, the criteria will be non-statutory and published for consultation. Criteria for each category of assets will be defined in the light of experience with the current system and current values. It is acknowledged that particular assets might need to be judged against more specialised criteria.

Discretion

The criteria for listing buildings are set out in PPG15 and if met, the Secretary of State has no choice but to list the building. Under the *Ancient Monuments and Archaeological Areas Act 1979* and PPG16, more discretion is possible in deciding whether or not to schedule a site meeting the criteria for designation, and in many cases a management agreement or other voluntary agreement with an owner will serve to secure the future of the site without the need for scheduling. In the past, this has often been used positively and effectively where it is perceived that the control system might be heavy-handed and not in the best interests of the site.

The new system will deliver greater flexibility in considering the future management of a designated site. The Government is currently considering how best to embed flexibility and careful consideration of the historic asset resource throughout the new system in order to facilitate effective planning mechanisms for the future. This might be particularly important in the context of regeneration and further work in this area is being undertaken with ODPM.

Regeneration and Spot listing

In the consultation paper, the Government raised key issues around regeneration and the role of the historic environment within it. There were no specific views sought from consultees on this subject but it was clear from the many responses that there is wide agreement that the historic environment can and does make a significant contribution to social, environmental and economic development.

As discussed previously, at present, listing decisions are based purely on the historic or architectural interest of the building; whenever the technical criteria for listing are met, the Secretary of State (for DCMS) will list that building. She cannot take account of regeneration or redevelopment issues. Indeed the outcomes of the Review have supported the principle that she should not be able to take account of wider considerations.

However, the Government is keen to seize the opportunity presented by the Review to address the problems of buildings being spot-listed just before work is about to start on redeveloping a site. Although this may not be a widespread problem, the current system means that these types of cases tend to be high profile and can create disproportionate dissatisfaction with the system.

The present scope for spot-listing buildings where planning permission has been granted for redevelopment of a site, or where an application for planning permission is under consideration, can add to the burdens on planning authorities and developers alike and can add delay to the process. Spot listing requires developers to apply for listed building consent for any works that would affect a building's special interest, over and above any planning permission that may have been applied for or granted. Spot listing only introduces a control over the building and listed building consent can of course be granted by the local planning authority (or the First Secretary of State on appeal) for works of demolition, extension or alteration. However, a proper listed building consent application takes time both to prepare and to consider. In deciding whether to grant listed building consent, the determining authority is able to consider "the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment" (*PPG 15 paragraph 3.5*).

The Government sees merit in tackling the current difficulty where spot listing triggers the need for an additional consent and can add delay. It is essential that the final system should be one which facilitates better decision-making and where government is joined-up. ODPM are developing some models for addressing this and are working closely with DCMS, Defra and English Heritage on the detail and how they might work effectively in practice without reducing protection. Any proposals for amending the existing arrangements would be the subject of public consultation in due course.

Decision

Government will put on statute an overarching definition of historic assets. There will be a set of strictly technical criteria for each category of asset which would be non-statutory. English Heritage will have discretion as to whether to add an asset to the national section of the Register.

Decision

DCMS and English Heritage will review now the criteria for listing buildings. There will be a public consultation later this year.

Grading

The present system of grading listed buildings and registered parks and gardens into I, II* and II has proved useful as a means of focusing resource and expertise on the most important assets. In the light of the proposal for a unified Register which will contain every type of historic asset, the Government sought views on the value of continuing these gradings. It also raised the possibility of, over time, reviewing whether those buildings currently listed at GII rightly belonged on the Register or might instead be migrated to local lists.

The Government believes that the system of grading is widely recognised and understood within the sector. 91% of those responding to this question in the consultation paper felt that a system of grading should be retained. The Government has therefore decided that the system should be appropriately modified and applied to all items on the proposed new Register and to existing items at the point of application for consents. It is, however, recognised that no currently existing system can simply be applied across the asset range, and that a new system will need to be introduced which would consider how grading could bring the benefits of clarity and public recognition to all assets.

The Government also considers that now is the right time to address both the archaic nomenclature, which can be so confusing to the public, as well as the problem of the GII* designation, which again confuses many people. Grade I and II* categories should be merged and be named Grade 1. The GII category should remain but be renamed "Grade 2". It is likely that the majority of assets within the previous GII* category would be designated at the new Grade 1, but some may be re-categorised over time as Grade 2. Much detailed work is required on when and how this change will be implemented.

The proposal that some buildings currently listed as GII might eventually be migrated to local lists was extremely unpopular across all groups of respondents to the consultation and the Government will not take this proposal forward.

Decision

A revised system of grading will be introduced and applied to all new items on the Register.

Decision

The current GI and GII* levels will be combined and renamed G1. The current GII level will remain and be renamed G2. It is likely that the majority of assets within the previous GII* category would be designated at the new Grade 1, but some may be re-categorised over time as Grade 2.

Making Designation More Transparent And Removing Uncertainty

Under the current system, once a building is listed, controls are placed on the owner's ability to do works to that building, inside or out. However, it is not always clear from the list description what the important features of the building are.

In order to make the decision more transparent and remove uncertainty for owners the Government sees the case for requiring, for all items on the Register, a map showing exactly what areas and structures are covered by the designation and a "summary of importance" in the Register entry showing the reasons for the designation and what is significant about the asset.

Summaries of Importance

Detailed work in this area last year considered the whole issue of statements of significance and their purpose and context. Because the term 'statement of significance' is normally used in the context of drawing up conservation and management plans, it was concluded that to avoid confusion the term 'summary of importance' should be used on any designation document. Government believes that:

- A summary of importance should be short, accessible and jargon-free. It should enable the user of the document (owner, local authority official and developer) to understand what the designated item is (building or site type), its physical and cultural context and significance. It would justify the inclusion of the item on the Register.
- A summary of importance would also provide the caveat that it and the description to which it was attached did not form a complete record and would be unlikely to provide a sufficient basis in itself for future changes and intervention. A number of things followed on from this:

- It would need to be made clear that the designation document simply flagged the item's special interest and importance and was the first step in a process that would manage its future.
- That further down the line a full statement of significance might need to be drawn up which probed the item's importance more fully; took other specialist and non-specialist - including community- values into account; and assessed the item's fragility or robustness: i.e. the vulnerability of its significant elements to change
- That guidance as to next steps should be available to owners and local planning authorities.

To maintain credibility, summaries of importance will need to demonstrate consistency of assessment across similar or related fields and types. This might require preparation of published selection criteria.

Dealing with existing designations

It is clearly impractical to provide summaries of importance for all existing designations. English Heritage is currently designing an effective and acceptable template. They intend to begin using the summary of importance for each new designation from April 2005. Eventually, if it proves to be practical and resource allows, the new summary of importance might be triggered for existing designations by an application for consent or a change in ownership.

Government also considers that a body of guidance and advice for owners will need to be made available over time if summaries of importance are to be effective. This could include guidance on drawing up summaries of importance, recording to appropriate standards, preparing applications for consent and management plans, as well as guides to historic and archaeological building, area, or asset types (*Better Information for Owners: p17*)

Decision

English Heritage will construct a "summary of importance", setting out the reasons for designation for items added to the Register.

Maps

The Government considers that the use of a map to define the extent of an asset would be of assistance to local authorities and would be relevant to the actual asset rather than other factors. This was welcomed in consultation by the overwhelming majority of respondents. However, further work is required in this area. For instance, providing maps for the majority of existing listed buildings would be particularly difficult since English Heritage currently only have point data information held on GIS systems, which is not always accurate.

Decision

With each "summary of importance" English Heritage should provide a map that shows the extent of designation.

Area Designation

The proposed integration of the scheduling, listing and registration regimes would necessarily result in a form of area designation at national level. It would therefore have to be an essential component of the unified Register. This would draw together individual historic assets that had previously attracted multiple designations into a single list entry, and would have the benefit of simplifying the designation for owners. This does not,

however, imply wholesale area designation at national level because the designation of conservation areas is clearly defined as a local authority function and it is a strength that these remain locally originated.

The Government intend that such area designations by English Heritage, under the unified approach, will be applied to:

- sites where it would be sensible to integrate the currently separate components – for example a country house with its park and gardens and scheduled monuments, or a post-war university campus with buildings and designed landscape; and
- those areas where the current regimes are impracticable to apply – for example, areas with extensive archaeological resources, both urban and rural.

Both will be drawing onto the Register parts of the resource that already meet the current national criteria for separate designation by listing, scheduling or registration but which under the new system can now be comprehensively addressed. The area designation will not necessarily imply a blanket set of controls. For some areas, this might be the case, but in others, different levels of controls might apply to different types of asset within the area. In all cases, such a designation would be a guide to planners as to the importance of the site as an integrated whole and would provide a vehicle for the use of management agreements.

The Government acknowledges that there are many practical issues which will need to be addressed in detail over the coming months; it is the intention that English Heritage's pilot projects will test these thoroughly.

Decision

The Government have decided that different types of historic asset should be integrated into a single register entry on some sites.

Openness And Protection

The Government is aware that the listing of buildings is often not perceived as an open process, in that owners need not be informed that their asset is being considered for designation. Furthermore there has always been a fear, fuelled by a few notorious cases, that if owners knew that their property was under consideration for protection they might take precipitate action and demolish or alter it. For buildings under consideration for listing, local authorities have the power to issue a Building Preservation Notice (BPN) but rarely do so because, if the building was not eventually listed, they have to compensate the owner for any losses directly attributable to the notice.

The Government consulted on whether or not the listing process should become open, who ought to be consulted about an application and whether or not interim protection should be applied during the period when listing was under consideration. They also asked whether there might be different requirements for private properties which were lived in.

Government believes that a more open system is necessary, and some 96% of those responding to consultation agreed. Work has begun on how this might apply in practice across the asset range, building on the current processes for scheduling and registration. Predicated on the basis that there would be some form of interim protection for an asset, for which there was 99% support, the main consultees would be owners/occupiers and local authorities. But also included in a public consultation could be amenity societies, parish councils and the local residents/community. However, Government does not want to extend the time required for the processing of designation beyond current targets, and work is

underway to develop a model that could deliver a more open process without introducing unnecessary delay.

The Government considers that when there is full public consultation, some form of interim protection will be needed to cover protection from any eventuality and will need to come into play at the outset of the process. The interim protection would thus last from the notification date until the notification of decision. If the asset was designated it would continue to be protected, if not the protection would be removed. We will consider the issues around ensuring an effective enforcement system.

Decision

Under the new system, from the point of notification to the owner and local authority of an application to designate, there should be a period of public consultation and an interim protection put on the asset.

Opening up the current system

The Government believes that, in the interests of openness and transparency, owners and the local planning authority should be consulted on applications to list buildings once the mechanics of such a system have been devised. We propose to use the period before primary legislation to test a model of consultation and the protection of the asset during that time. Full public consultation should await statutory interim protection.

Decision

Under the current system English Heritage should begin consulting owners and local planning authorities on applications to list buildings. This should take place from April 2005 when English Heritage takes over the administration of the listing building system.

Better Information For Owners And Tenants

The Government believes that owners and tenants are more likely to take pride in conserving their property if they are better informed both about what makes it important and also about how best to keep it in good condition. In the consultation the Government proposed that owners should be supplied with a comprehensive pack, explaining what designation means and what they can do to protect and enhance their asset. Although a specific question was not asked on this proposal, the response overall was very positive.

Work on this area has compared the different documentation for current designations. A standard information pack that was issued at the time of designation would be invaluable in providing key information to the owner. This would

- explain clearly what it is that is important about the asset that they are responsible for and defining what is included in the designation;
- be sent out at the time of designation and include information both from the national designating body and other information from the local authority where possible;
- give owners a clear idea of the next steps in the process – who is responsible for management and who to contact for more information; and
- be presented positively to encourage owners to be proud of the asset they own and to want to look after it.

With a new consultation procedure proposed as part of the new process, the Government believes that much of the context-setting information about the process and how it works can be covered early on. Thus the owner's pack can be more specific about the particular asset that it covers. The text should be accessible and not full of jargon. Management

information will be key for sites with multiple types of asset, although these may in any case attract management agreements.

Decision

English Heritage will produce an information pack for owners.

Appeals

At present there is no formal appeal against a listing, scheduling or registration decision at the point of designation. An owner who feels aggrieved can ask to have their property de-listed or de-scheduled. There is a similar informal process for registration. If the decision is not to designate, the applicant can put in another application if they have new evidence or can point to a factual error in a previous decision. The proposal to consult owners on every application to list should make the process more open and transparent but the Government recognises that there may be times where a fault has occurred in the process and an appeal system would help maintain confidence in the system. It has also been proposed as one of the safeguards needed for English Heritage to take over responsibility for maintaining the system. The Government therefore consulted on the need for a right of appeal and in what circumstances it might be justified.

Government therefore has decided that English Heritage's decisions should be appealed to the Secretary of State and that the Secretary of State should appoint a formal panel of experts, from whom she can select a panel member with expertise in the particular type of asset under consideration in each case to advise on listing decisions (expertise may be architecture, archaeology, planning etc.). In addition the Government considers that the right of appeal should be restricted to only owners which is in line with the planning system.

Decision

There will be a statutory right of appeal to the Secretary of State for owners against the decision to designate or not to designate.

A more formal review in the current system

In the interests of openness and transparency the Government has also decided that there should be a more formal review process within the current system. This will be a part of the overall short-term package. The designation decision notification to the owner would formally give the owner the opportunity to ask for his case to be reviewed if he was unhappy with aspects of how the decision had been reached.

Decision

DCMS will introduce a more formal review process than exists at present, from the point at which DCMS hand over responsibility for the administration of listing.

Management And Control For Items On The Register

Under the current system listed building consent is required for the demolition of a listed building or for works of alteration or extension which would affect the building's special interest. Local planning authorities are responsible for deciding whether particular works require consent and for deciding listed building consent applications (subject to consultation with English Heritage for Grade I, Grade II* and certain Grade II buildings). The DCMS Secretary of State gives consent for works to scheduled monuments.

In 2003, ODPM appointed researchers to examine the case for unifying a variety of planning consent regimes. A number of different models have been considered, including the unification of planning permission, listed building consent and conservation area consent, and the unification of listed building consent and scheduled monument consent.

The report recommends the unification of certain existing regimes in two stages: the merging of listed building consent with scheduled monument consent to create a new 'heritage consent', and the merging of planning permission with conservation area consent. A further, later, step could be the unification of these two regimes into one consent regime (effectively a merging of the existing regimes for planning permission, conservation area consent, listed building consent and scheduled monument consent).

The idea of combining listed building consent with scheduled monument consent was among the package of proposals in the Heritage Protection Review consultation document. Many of those who responded recognised that the unification of these regimes would enable archaeology to be integrated with other aspects of the historic environment and that a single regime – provided that it was clear and the controls were not weakened – would be beneficial for owners and practitioners. The Government sees the case for a single flexible consent regime for all items on the new Register apart from the local section. DCMS will continue to work closely with ODPM, Defra and others on the detail of unifying these two regimes, including the skills and resource implications for local planning authorities.

The Government will also give further consideration to the other findings of the research report, including the unification of planning permission and conservation area consent. This would require primary legislation. Any proposals for changes to the existing arrangements would be the subject of public consultation in due course.

Although no specific questions were raised in the consultation document about protection and enforcement, Government has been reviewing the differences between the existing protections for listed buildings and scheduled monuments with a view to seeing whether and how they could be aligned if there was a unified Register, such as urgent works and CPO powers. The conclusions were that much the same systems should remain under the new system, but that these could be aligned where they differ for different asset types. Further work will continue alongside the refinement of the new system.

Management Agreements

Work has begun on the way management agreements might work within the overall context of management and control for items on the Register. Government has agreed that, assuming the creation of a new national Register that integrates the current listing, registration and scheduling regimes and a correspondingly unified consent system, statutory management agreements could be employed wherever that approach would work better than the system of individual specific consents. Experience to date suggests that such an approach is preferable for:

- large scale buildings, sites and landscapes;
- complex historic entities that comprise more than one type of asset;
- assets that are better managed alongside other regimes (e.g. in the natural environment or in the local planning framework);
- assets of a similar type in single ownership but dispersed locations (e.g. historic bridges).

Drawing on an increasingly wide range of experience of their application, it is already demonstrable that they can offer:

- better and improving understanding of certain types of asset over time;

- effective partnerships between owners, managers, local authorities, English Heritage and other interested parties;
- positive long-term strategic management;
- complementary management with other parallel regimes (e.g. between the historic and natural environments, or the historic environment and the planning process);
- enhanced certainty and clarity;
- elimination of the need for close regulation for defined categories of change.

Taken together, these objectives could make a substantial contribution to moving the management of designated historic assets from its generally passive present form towards a more pro-active culture.

Government recognises the importance to the success of the proposed system of an integrated consents regime in a system which incorporates statutory management agreements. Much can be achieved by building on work already undertaken for other forms of strategic management (e.g. inheritance tax exemption, conservation plans, agri-environment schemes).

Decision

There will be an integrated consent regime, unifying listed building consent and scheduled monument consent and administered by local authorities. It will incorporate statutory management agreements, with reference to English Heritage as appropriate. Government will also consider further the findings of the research report on the possible unification of consent regimes, including the unification of planning permission and conservation area consent.

The Rural Historic Environment

Management agreements and environmental farming schemes

There is already much expertise in using management agreements to protect important sites for nature conservation, such as Sites of Special Scientific Interest (SSSIs). English Heritage also has long experience in negotiating agreements with farmers to conserve and enhance ancient monuments.

Government believes that the creation of a single integrated consent regime for the historic environment, together with the option of statutory management agreements which are responsive to nature conservation objectives, will permit far more effective alignment of nature and heritage conservation in land management activity. This approach should greatly assist owners who often have to manage land with overlapping historic environment and nature conservation designations. English Heritage will test this approach in their pilot projects, working closely with land owners, land managers and with English Nature.

Environmental farming schemes, such as the Countryside Stewardship and Environmentally Sensitive Area schemes, already encourage integrated management of natural and historic features by providing land managers with incentives to enhance the management of environmental assets, including historic buildings, sites and landscapes. In 2005, as a result of a recent major review of agri-environment policy, the Government will launch a new agri-environment scheme, Environmental Stewardship. This scheme will include an entry-level option designed to radically increase the number of holdings under an environmental farming regime. The Agri-Environment Review also concluded that there should be increased emphasis within the schemes on conservation of the historic environment. Environmental Stewardship will therefore include new measures and enhanced incentives to encourage

uptake of options which protect historic features. Additionally Defra are strengthening their own in-house historic environment expertise.

Amongst the most important messages emerging from this section of the consultation was the reliance of environmental farming schemes on good local information and advice, and the crucial part Historic Environment Records play in providing this. The point was made forcefully throughout that, to get country-wide consistency and effective support for the schemes, Historic Environment Records should be put on a statutory basis and provided with additional resources so that they can provide the required information in accessible formats. Defra are therefore putting new arrangements into place to ensure that HERS input to the new schemes is more effective and better supported.

Government believes these changes represent an important step forward in securing the conservation of our rural historic environment.

Class Consents Orders

In the pre-consultation phase many spoke of the need to develop better means of protection for important archaeological sites vulnerable to damage and destruction by cultivation. This includes ancient monuments scheduled in recognition of their national importance, where continued ploughing has nonetheless been permitted under successive versions of the *Ancient Monuments (Class Consents) Order (No 1)* including the most recent version issued in 1994. The Government therefore sought views on how the national interest in protecting important archaeological sites could best be reconciled with the needs of farmers. The responses reflected the widespread concern about this problem which Ministers are determined to address. Government therefore proposes to review the operation of the Order as soon as English Heritage completes the preparatory work necessary to deliver workable changes. This work, which will be carried out in consultation with all interested parties, should be completed no later than 2007.

Decision

Government will review the operation of the *Ancient Monuments (Class Consents) Order 1994* in order to improve the protection of nationally important archaeological sites from the damaging effects of ploughing. English Heritage will undertake the preparatory work to deliver this reform, in consultation with interested parties.

Protection At Regional And Local Level

Planning Guidance

Over the last 5 years important responsibilities for regeneration, planning, transport and the environment have migrated to regional institutions but there has been little overt recognition of the importance of the historic environment in new development and regeneration. The Government believes that protection of the historic environment will be a vital part of the regional spatial strategies which will be required under the Planning and Compulsory Purchase Act 2004. Government already requires authorities to make the protection of the historic environment a key plank in their Community Strategies. It is now considering the issuing of guidance to make clear what plans district and unitary authorities will be expected to develop for the protection and enhancement of the historic environment as part of their Local Development Frameworks and sustainability planning. Government therefore sought views on what planning guidance on the historic environment would be of most value to local residents, authorities and developers. This subject generated a large and substantive response, all of which will be fed into further discussions with ODPM. However the main message for Government is that planning guidance should be publicly accessible, transparent, consistent and nationally available.

PPGs 15 and 16

This Review of Heritage Protection Legislation has identified a number of areas for improvement to the current system, and English Heritage has launched a series of pilot projects designed to test the new approach over the next two to three years. We anticipate that the results of this and other work will inform revisions to both existing guidance and primary legislation. Consultation on a revised Planning Policy Statement is being deferred until the Government is in a position to reflect on the new approach. The review and replacement of the guidance will take place as and when is necessary.

Conservation Areas

Conservation areas are a key part of the local historic environment, designated by local authorities. Some are thought to provide some of the best examples of good conservation engaging the local community, others are believed to have been designated merely to stop a particular development. Many have no plan for management or enhancement even though there is a statutory requirement for local authorities to publish such proposals. The Government therefore sought views on the most productive way of encouraging local authorities to undertake conservation area appraisals and to provide bolder policies for enhancement. The full summary of responses on this issue have been passed to ODPM for their future consideration.

Local Lists

About 44% of local authorities maintain local lists of historically important sites or buildings. These do not have the statutory force of national designations but where the authority has local plan policies for locally listed buildings the effect is to add weight in planning decisions to arguments for protection for these buildings. At present there is no power for authorities to prevent demolition of a locally listed building unless it is in a conservation area. The Government invited views on whether or not there should be a mechanism for preventing demolition of locally listed buildings without consent and whether this should be linked to development proposals. The full summary of responses on this issue will help inform ODPM's future consideration on the Review of the general Permitted Development Order.

Resources

Pooling Resources

Local authority conservation officers are facing increasing development control workloads. This demand-led work frequently forces out effort on enforcement and conservation area appraisals and conservation officers often find themselves isolated and required to be experts across an unrealistically wide canvas. The Government suggested that one solution might be to create a unified or pooled resource at sub-regional level to provide critical mass and share a wider range of knowledge and experience. It sought views on how to strengthen local authority and expertise.

Work has been ongoing on how a pooled resource might work in practice. Government did not envisage that sub-regional resource pools would introduce a new layer of local authority intervention but rather that they would be groupings of existing services. Local authority elected members would remain responsible for the decisions taken by the SRRPs.

Government acknowledges that the current arrangements work, in that they can achieve good results, but believe that improvements could be made to make a real difference in the quality of the current service, perhaps most importantly by improving the working links between archaeologists and building specialists as well as filling the historic landscape 'gap'.

Government are therefore giving serious consideration to an approach that keeps with the current system but constructively improves it. This might be a partnership of all local authorities and English Heritage in a sub-regional group. All staff could remain where they are currently based and management and budget arrangements should remain as at present. Thus the current historic environment services stay where they are but are strengthened by creating more formal links between them. What would change would be the free flow of the Historic Environment Records and other information. In addition there would be the development of common policies, guidance and good practice. A Service Level Agreement could outline the duties of each Partner and this might include the sharing of skills and expertise as required. Recent reports (particularly *Heritage Under Pressure* and *Local Authority Conservation Provision*) suggest that current resource constraints mean that it is not possible for local authorities to deliver on all the areas identified by many historic environment professionals as being important. English Heritage would seek to support the work of the partnerships but would not have any additional powers than those it already has.

Decision

English Heritage should pilot partnerships of themselves, local authorities and other relevant parties in sub-regional groupings to test the feasibility of sharing skills, expertise and good practice.

Training

The Egan Review: Skills for Sustainable Communities has now reported. Its recommendations include the need to increase interaction and greater team-work between all the core occupations involved in delivering sustainable communities. In addition to encouraging new entrants to the core occupations, the report encourages the setting of occupational benchmarks, greater cross-profession training, better member training and the setting up of a National Centre for Sustainable Community Skills. English Heritage is represented on the Task Force advising ODPM on the National Centre.

Responses to the consultation proposals revealed considerable concern that the new system would require new skills and greater capacity at local level. Research¹ has highlighted that there is a lack of capacity in local authorities to deal with conservation issues.

English Heritage is currently working on capacity building for a wide range of professional groups whose decisions affect the historic environment as well as local authority members. It is tackling heritage professionals' skills through running and supporting ongoing specialised training courses. For non-heritage specialists and members the recently launched HELM (Historic Environment Local Management) initiative is a training programme aimed at improving the understanding of historic environment issues amongst groups such as elected members, highways engineers, planners and estate managers. The website, www.helm.org.uk has been launched and training at a regional and sub-regional level will begin from September 2004. Partnerships with other agencies, professional institutes and others with an interest in the delivery of these skills are being developed.

Decision

¹ *Local Authority Conservation Provision in England* (2003) Philip Grover, School of the Built Environment: Oxford Brookes University.

English Heritage will work with partners in the built environment to strengthen and develop skills and capacity at local level.

Historic Environment Records

Sites and Monument Records are usually held by county councils and unitary authorities. They contain information on a wide range of archaeological sites, monuments and landscapes of all periods. Many also contain information on historic buildings and settlements. While they were initially developed to provide advice through the planning system, they are now used extensively for sustainable management of the landscape, in education and outreach and play a key role in social, economic and environmental development, for example, through regeneration initiatives.

An Historic Environment Record stores and provides access to systematically organised information in a given area about all aspects of our surroundings, that have been built, formed or influenced by human activities from earliest to most recent times. It is maintained and updated for public benefit in accordance with national and international standards and guidance. However, the widening focus of the approach to the historic environment as an integrated whole rather than a collection of individual features protected by law has stimulated the development of Historic Environment Records or Services from the Sites and Monuments Records of the past.

The Government is aware of the vital role HERS play in planning and development control and many other aspects of the management of land use change and historic environment site management. Good decisions about the historic environment can only be based on good quality information. Government also recognises that HERS can be a potentially valuable resource for local communities and all levels of education, from schools through universities to life long learners. HERs can assist people in gaining enjoyment from their heritage, involving themselves in conservation and taking pride in their local communities.

In *A Force for Our Future (AFFOF)*, published in Autumn 2001, Government promised that they would consult on all the issues surrounding HERs. The HERs consultation was timed to coincide with the main Review because the role of HERS is key to the success of many of the new proposals. Government sought views on all the potential roles for HERs and how their enhancement might be achieved. The summary of HERs consultation responses is at Appendix 2 but the main strategic messages for this Review are that:

- Consistency of standards, as set out in the *Benchmarks for Good Practice*, is essential for the improvement and sustainability of HERs; and
- It should be a statutory requirement of local authorities that they maintain a HER or have access to one.

The responses to the main Review as well as the HERs review and results of the deliberations of some Working Groups reinforced the need to take on board these messages. There are clear links between the form of any unified national statutory list and its relationship with HERs, the enhancement of local lists, the introduction of sub-regional partnerships and the management of records of local designation and characterisation. There are also implications for the success of the DEFRA agri-environment schemes, especially the Higher Tier schemes, which will depend on information from HERs.

It is acknowledged that this measure has potentially serious resource implications for government. Nevertheless, ODPM and DCMS have agreed to work closely with other key and interested government departments to take this measure forward to a successful outcome.

Decision

Government should require local authorities to establish and maintain or have access to Historic Environment Records.

CONCLUSION

As was said at the beginning of this exercise there is much right about the present system and change will not be entered into for change's sake. Only where the case has been made convincingly are we seeking to alter a system which has been protecting our historic environment successfully for years.

The overall response to the main consultation was substantial (some 500 replies), substantive and positive. There has been a majority response for change and the major plank of the proposals, a unified list maintained by English Heritage, has been well supported. Where responses were negative they have generally been against specific proposals rather than against our aims of producing a more simple, flexible, open and transparent system.

The role of local communities in engaging with, improving and enhancing their historic environment has been emphasised time and again by respondents, as has the pivotal leading role of the historic environment in the economic and cultural revival of urban and rural communities.

For the longer term

Primary legislation is needed to bring in the major planks for the new system: the unified "Register of Historic Sites and Buildings for England" and giving English Heritage statutory responsibility for maintaining that Register. In addition, primary legislation is needed for essential changes to the consents system to make the unified Register workable and to introduce statutory management agreements, as for a statutory right of appeal, a new overarching definition of historic assets and interim protection for an asset being considered for designation and going out to wide public consultation. DCMS will seek legislative time at the earliest opportunity.

What Government is doing in the short term

There is much that can be done without legislation. It is intended that the next three years should be used by English Heritage to test many of the new proposals through a series of pilot projects (*Annex D*). Secondly, DCMS is able to introduce many improvements through policy guidance incrementally over the short term. (*Details: Section 2: Decisions*)

DCMS, ODPM and English Heritage are already engaged in the next stage of work in partnership with other key stakeholders, such as DEFRA.

ANNEX A: THE PRESENT SYSTEMS

Designation	What does the designation mean, and to what does it apply?	Legislative/ Regulatory basis for designation	Statutory?	Designated by...	Principal control regime	Controls administered by...
Listing	Individual buildings and structures of special architectural or historic interest are assessed individually and thematically against national criteria, considering factors such as age, rarity and architectural merit. The purpose of listing is to ensure the preservation of buildings and structures of historic interest and to that end policy advice is directed towards keeping them in active use	Planning (Listed Buildings and Conservation Areas) Act 1990 PPG 15 (gives listing criteria and guidance on planning considerations and enforcement relating to the historic environment)	Yes	Secretary of State, DCMS	Listed building consent	Local authority First Secretary of State (ODPM) for listed building consent appeals Secretary of State, DCMS for urgent works and CPOs
Local Listing	Buildings which may not be of sufficient architectural or historic merit to meet the national criteria for listing, but which are of local interest, contribute to the area, or are valued by the community	None, but recognised in other statutory regimes e.g. Building Regulations	No	Local authority	The planning system	Local authority

Designation	What does the designation mean, and to what does it apply?	Legislative/ Regulatory basis for designation	Statutory?	Designated by...	Principal control regime	Controls administered by...
The Schedule of Monuments	The schedule (or list) is of sites of national importance and its existence ensures that the case for preservation is considered where works that may affect the monument are proposed. Sites range from standing stones to deserted medieval villages and include more recent structures such as collieries and wartime pillboxes	Ancient Monuments & Archaeological Areas Act 1979 PPG 16	Yes	Secretary of State, DCMS	Scheduled monument consent	Secretary of State, DCMS
Archaeological Areas	Any area, which appears to merit being treated as an area of archaeological interest may be so designated. There are five such areas. However no designations have been made since 1984 as the guidance set out in PPG 16 is considered to be comprehensive.	Ancient Monuments and Archaeological Areas Act 1979 PPG16	Yes	Secretary of State, DCMS English Heritage in London (subject to Secretary of State's confirmation) Local authorities (subject to Secretary of State's confirmation)	Notification procedures	Local authority

Designation	What does the designation mean, and to what does it apply?	Legislative/ Regulatory basis for designation	Statutory?	Designated by...	Principal control regime	Controls administered by...
Conservation areas	Areas 'of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. These areas promote the appreciation and conservation of local identity, and are characterised by architectural or historic features of an area (rather than an individual building or structure) that are worth preserving or enhancing. Many other elements can contribute to an area's character, including the historic layout of its roads and the use of distinctive building materials	Planning (Listed Buildings and Conservation Areas) Act 1990 PPG 15	Yes	Local Authority English Heritage in London Secretary of State, DCMS (Her policy is to use this power only in exceptional circumstances: to date she has not exercised the power)	Conservation area consent	Local authority First Secretary of State (ODPM)
Register of Parks and Gardens	Protection of parks and gardens of specific historic interest. These can range from the gardens of country houses to hospital grounds. The main purpose of this register is to help ensure that the features and qualities which make the landscapes of national importance are safeguarded during ongoing management or if any change is being considered which could affect them	Historic Buildings and Ancient Monuments Act 1953 PPG 15	Yes (Statutory power to compile a register but no statutory controls or enforcement powers)	English Heritage	Material consideration in planning system	Local authority

Designation	What does the designation mean, and to what does it apply?	Legislative/ Regulatory basis for designation	Statutory?	Designated by...	Principal control regime	Controls administered by...
Register of Historic Battlefields	Identifies the sites where the country's most significant armed conflicts took place	Historic Buildings and Ancient Monuments Act 1953 PPG15	Yes (As for Parks and Gardens there is a statutory power to compile a register but no statutory controls or enforcement powers)	English Heritage	Material consideration in planning system	Local authority
Historic Wrecks	Designates remains of historic ships/sites of historic shipwrecks and regulates all diving on designated sites	Protection of Wrecks Act 1973	Yes	Secretary of State, DCMS	Licence for all site activity	Secretary of State, DCMS
World Heritage Sites	Special status for sites that are of "outstanding universal value" according to the World Heritage Committee criteria. They add a global dimension to our understanding of the historic and natural environment	Convention concerning the protection of the World Cultural and Natural Heritage (1972)	No	World Heritage Committee	Agreed management plans Material consideration in planning system	Relevant statutory procedure

Current Systems

1. Key designation regimes and their associated control procedures are varied both in their origins and aims.
2. First, **scheduling**, which dates back to the 1880s, has been much revised and is now consolidated under the *Ancient Monuments and Archaeological Areas Act 1979*. It is concerned with safeguarding monuments of "national importance" that are generally not amenable to heavy use or substantial change.
3. Secondly, **listing**, which originates in the planning legislation of the 1940s, was consolidated in the *Planning (Listed Buildings and Conservation Areas) Act 1990*. The system was designed to protect buildings of "special architectural or historic interest" but within a context of change management, primarily as a guide for local planning authorities.
4. Both listing and scheduling are powers vested in the Secretary of State who has a duty to consult English Heritage. An important distinction is that with scheduling the Secretary of State has discretion about designation; no such discretion exists for listing, where the Secretary of State must designate if a building fulfils the criteria for selection.²
5. Thirdly, English Heritage under the *Historic Building and Ancient Monuments Act (1953)* compiles **registers of historic parks and gardens and historic battlefields**. Registration is a "material consideration" to be taken into account by local planning authorities when proposals for change are made but the weight to be attached to them is a matter for the decision-maker.
6. The Secretary of State has the power to designate **historic wrecks** under the *Protection of Wrecks Act 1973*.
7. The Government is currently overhauling **planning legislation** (led by ODPM). This provides an opportunity to improve the way in which the planning and historic environment regimes work together and to identify better ways of handling cases where particular conflicts arise between the objectives of the two systems.
8. The Church of England, the Church in Wales, the Roman Catholic Church, the Methodist Church, the Baptist Union of Great Britain (and the Baptist Union of Wales) and the United Reformed Church are exempted from having to obtain listed building consent if they possess acceptable internal procedures in accordance with the Government's Code of Practice for dealing with proposed works to listed buildings and unlisted buildings in conservation areas. This is known as the **ecclesiastical exemption**.
9. Archaeological remains on land are protected under Planning Policy Guidance note 16, which states that the desirability of preserving an ancient monument and its setting is a material consideration in the planning process. PPG16 also provides for policies for the protection, enhancement and preservation of sites of archaeological interest to be included in detailed development plans, and for an initial investigation into the archaeological content of a site to be part of the research to be undertaken by prospective developers.
10. Despite these different legislative backgrounds, English Heritage has in recent years instigated approaches to designation that have made the linkages between them more transparent. Their existing programmes across the board assess the "resource" (building, monument, site, park, garden, and battlefield) on a systematic basis by type or area. This may involve:
 - evaluating the "known" archaeological resource and recommending an appropriate designation or management regime (the Monuments Protection Programme);
 - evaluating both the recorded and unrecorded stock of buildings or sites of a certain type against selection criteria such as rarity, completeness and date (the Thematic Listing Programme, the upgrade and review of the Parks and Gardens Register, and the urban parks and cemeteries project).
11. Conservation areas designated by local authorities under the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

² Another distinction is that the regulatory regimes flowing from scheduling and listing are vested in different government departments, scheduled monument consent in DCMS, listed building consent in ODPM and local planning authorities.

STEERING COMMITTEE: MEMBERSHIP

Geoffrey Wilson Chair
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Robin Broadhurst
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Nicholas Johnson
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Mike McGuinness
Michael Seeney
John Sell
Yasmin Sharif
Les Sparks
John Stambollouian
Peter Studdert

ENGLISH HERITAGE PILOT PROJECTS

While maintaining the present levels of statutory protection, the aim of the new system is to change the culture of protecting the historic environment from its generally passive, reactive and often adversarial form towards an approach that is positive, collaborative and strategic. On 7 April 2004 English Heritage launched a series of projects to test key elements of the new proposals on 15 pilot sites across the country.

The choice of the projects has been designed to focus on the most innovative aspects of the new system:

- the creation of a single unified system, called the "Register of Historic Sites and Buildings of England", that gives equal statutory recognition to different components of the historic environment formerly accorded varying status as listed (buildings), registered (parks and gardens and battlefields), and scheduled (archaeological sites);
- a single designation regime that allows separate archaeological, architectural and landscape elements all found on one site to be treated as one entity. This will overcome the confusing overlap or artificial demarcation which currently occurs where some structures are both listed and scheduled or a historic site contains individually listed buildings but the land between them is ignored; and
- the establishment of statutory management agreements that allow for strategic management over the medium to long term.

DCMS have published two further consultation papers seeking views on the ecclesiastical exemption and marine archaeology. Both papers propose the same principles of integrated designation and strategic management. A further group of pilots, including marine and ecclesiastical examples, will be announced by English Heritage in the Autumn.

The results of these consultation papers, together with the results of the Historic Environment Records consultation paper, will be fed into the Government White Paper that will precede new primary legislation which the DCMS will seek to achieve at the earliest opportunity.

Individual Pilot Projects

Arnos Vale Cemetery, Bristol

This Victorian cemetery, recently featured on the BBC "Restoration" series, is a grade II* listed Park and Garden with listed tombs and chapels, within a conservation area. It is also locally designated as a Site of Nature Conservation. The site was recently compulsorily purchased by Bristol City Council and is now vested in a Trust. English Heritage will reassess all the different features of the site as a whole, and help draw up a comprehensive management agreement. This should help the restoration of this high profile site and could also help with grant applications.

Centre Point, London

This tower block dating from 1963-7 is an iconic structure in central London, listed at Grade II. A management agreement is currently being drawn up, which takes into account the need for repetitive and identical changes to be made to the interior features of this post-war office building. The management agreement will work on two levels, allowing for the routine changes necessary in an adaptable building like this but still requiring special consent for major changes.

Cornish Bridges

A survey has been undertaken of historic bridges in Cornwall, taking into account their condition and management issues. A long term management regime is required that allows repairs and maintenance to be carried out without the need for listed building consent or scheduled monument consent for each bridge. Some bridges are both scheduled and listed, so we can remove the confusion and bureaucracy this causes by only having a single designation for each bridge.

Darnall Works, Sheffield

This is a vast 19th century steel works, the last in Sheffield to retain evidence of large-scale crucible manufacture and unique in Britain. This industrial site has both listed and scheduled components. English Heritage will reassess the site as a whole in order to draw up a management agreement with the owners and Sheffield City Council, taking into account plans for the sensitive and sympathetic regeneration of the site.

Foulness Island, Mod Shoeburyness, Essex

Foulness Island forms part of MOD Shoeburyness on the coast of Essex, to the east of Southend on Sea. The military have had a presence since the 1830s and the site has been in continuous defence occupation since the 1850s. It was used for the development of nuclear weapons technology from the late 1940's by the Atomic Weapons Establishment and continues in use as a military testing and evaluation establishment under the Ministry of Defence with its commercial partner QinetiQ.

The pilot project will develop approaches to integrate the protection of the scheduled elements such as a Romano-British burial site and 17 listed buildings with a model of the "Atlantic Wall" built in preparation for D-Day and surviving structures from the Cold War which currently have no statutory protection. Any resulting management agreement should include provisions to look after all elements of the historic environment. The plan will have to take many factors into account. Foulness is an outstanding wildlife habitat, much of it designated as a Site of Special Scientific Interest (SSSI), and there is farming on the island which has a population of about 150 people. There is also pressure for development, both for operational purposes and to maintain a sustainable community.

The Godolphin Estate, Cornwall

The estate comprises 15th century Grade I listed Godolphin House, recently granted £879,000 by English Heritage for essential repairs, set in exceptionally important registered gardens dating from the Medieval period to the 17th century. The house and gardens are owned by the Schofield family. The surrounding 555 acre estate contains 400 archaeological features from pre-historic times to the relics of 19th century tin mining and is owned by the National Trust. The estate is included within an area bidding for World Heritage Site status for Cornish mining. The pilot project will test how such a wide range of archaeology, buildings and landscape can be designated as a single entity and a management strategy drawn up that is responsive and flexible to the estate's many different functions.

Holkham Estate, Norfolk

This is a major country house and rural estate. Currently all the different elements of the estate – the Hall, gardens and monuments are protected under different systems. The estate will now be reassessed in a way which recognises the importance of the whole, including elements such as the model village. The management agreement that will then be drawn up will take into account that this is a working estate in single ownership.

Kenilworth Castle, Abbey And Mere, Warwickshire

This area is in mixed ownership including the Town Council and Warwick District Council. The castle itself is under the guardianship of English Heritage. There are several issues to address, including the overlapping of different designations, the castle, for example, is both listed and scheduled. Having reconsidered the designation issues, English Heritage will feed these into the conservation appraisal of the whole area that is currently underway.

Langdale Neolithic Landscapes, Cumbria

This is an area of the Lake District with scattered flint and cave deposits, the evidence of Neolithic axe factories, none of which are currently designated. The area is also in a National Park, an Environmentally Sensitive Area (ESA) and is largely managed by the National Trust. Difficult management issues include the threat of erosion from fell walkers. 600 sites were identified by a 1980's survey. An assessment of how these might be designated, building on the considerable natural environment issues and the management schemes already in place, should secure their future while making them accessible to the public.

Piccadilly Line, London Underground

Several Piccadilly Line stations are listed, but there are problems caused by the need for continuing upgrading, safety and development plus a new complicated structure of utilities companies and maintenance responsibilities. English

Heritage already has regular liaison meetings to address these issues but will now formalise these and establish an understanding with London Underground of which buildings and features are important and which can be changed without special consent. Starting with a single Underground line, such a management agreement could later be transferred to the rest of the network in stages as appropriate.

RAF Scampton, Lincolnshire

This is a large military airfield site with one of the longest runways in Britain, extended to cope with the V-bomber force during the Cold War. There are numerous ancillary buildings dating from post WW1 and WW2, service housing, and more recent Cold War elements. There are archaeological interests on the site. English Heritage will be carrying out a "characterisation" of the site to inform how it should be managed in a way which protects what is important and yet is flexible enough to deal with significant operational and development pressures.

University Of East Anglia, Norwich

This is a large university campus, with outstanding post-war buildings and a need for future expansion. There have been informal agreements to produce a management strategy between the University, English Heritage and Norwich City Council, which we can now progress more formally through the pilot project. Several buildings were recently listed at Grade II and II* and a new partnership approach should make it easier for the University to understand and manage any changes they may want to make to them.

Water Meadows, Hampshire

The water meadows are in Eastleigh, Hampshire, on the banks of the River Itchen. A water meadow is an area of grassland next to a river which is artificially flooded at certain times of the year using a manmade network of ridges, channels and sluices, in order to produce early, good quality pasture. The use of water meadows dates back to the Middle Ages, they were part of a local farming regime which can have associated historically related monuments such as field systems, farmsteads, manors, religious houses, watermills, bridges and roads. 40% of the water meadows originally recorded in Hampshire have been destroyed and only 4% of those remaining are considered to be well preserved. This pilot will examine the application of landscape designation and help develop a management regime for this unique type of environment.

The Weld Estate, Dorset

This 17th century estate includes Lulworth Castle, Lulworth Cove, Durdle Door, Durdle Door Holiday Park, Lulworth Cove Heritage Centre, five miles of the Dorset & East Devon World Heritage Site, extensive country and coast walks and bridleways. It encompasses issues to do with the designation of archaeology, buildings and landscapes. English Heritage will examine how groups or types of assets might be designated as one where appropriate. It will also work with the Weld Estate and Purbeck District Council to construct a management agreement that allows works and maintenance to be done without the need for special consent.

York City Walls, York

The walls combine a number of scheduled monuments and listed buildings, including St Mary's Abbey, York Minster Precinct, and St Olave's Church which is still in use. The walls also involve a registered park and area of archaeological importance and a conservation area. Now that it is a pilot, English Heritage will work with York City Council to carry out a holistic assessment of all these components and devise a management plan that addresses the challenges of caring for these historic features in an urban environment.

Other Reviews

Historic Environment Records (HERs)

This consultation was published on the same day as the main review of heritage protection. Its publication was also a Government undertaking in *A Force for Our Future (AFFOF)*.

Sites and Monuments Records (SMRs), maintained and managed by local authorities, were initially developed to provide advice through the planning system. However, they are now used extensively for sustainable management of the landscape, in education and outreach and play a key role in social, economic and environmental development, for example through regeneration initiatives. The Government, in partnership with ALGAO and English Heritage, has consulted on determining benchmarks for good practice for historic environment records and how we might move to achieve this across the country. The consultation paper also sought views on the statutory status of these records, where they should be located and how they could be accessed as well as the crucial role of technology in developing interoperability and sustainability. The intent of this consultation was twofold. First, how best Sites and Monuments Records might be enhanced to become full Historic Environment Records. Secondly, what might be the implications of the expanding role of Historic Environment Records. The results of the consultation are contained in Appendix 2 and the issues around HERs are discussed on page 24 of this report.

The consultation period ended on 30 November. Around 150 responses were received.

Marine historic environment consultation

The Review of Heritage Protection also promised a further consultation paper about protecting the marine historic environment. Although done as a separate exercise, this review has the same high-level aims and objectives as the land review. These are to improve the legislative framework and to develop a positive, effective, sustainable and transparent approach to protecting underwater cultural heritage. The consultation is separate because the protection of the marine historic environment falls under separate legislation and international conventions. This includes legislative regimes such as the *Protection of Wrecks Act (1973)*, the Merchant Shipping Act and the salvage regimes, and issues such as identifying ownership, marine development proposals and integrated management of the marine environment. The legislation and policy of some of these regimes and issues are the responsibility of other government departments

The Marine Historic Environment consultation paper was issued on 26 March 2004.

Ecclesiastical Exemption

A Force for our Future and the main Review of Heritage Protection document also promised a public consultation on the working of the ecclesiastical exemption. Given the emerging themes from the consultation on the main review, now was considered to be the appropriate time to examine how to make the current ecclesiastical exemption system more open and transparent. Building on the current system, which is generally liked by those involved and by and large works well, the Government is proposing high-level management agreements between English Heritage and the denominations. The consultation paper was issued on 25 February 2004.

Summary of responses to the consultation paper *Protecting our historic environment: making the system work better*

Overview of responses

This consultation engendered enormous interest and a high degree of input across the sector and other key stakeholders. The consultation document received around 500 responses, most of which were substantive and positive. Some respondents did disagree with individual proposals but very few questioned the exercise as a whole.

Q1.1: Would a Unified List for England improve existing arrangements?

Consultation document: paras 24 – 27: "to simplify the present systems, the Government see benefit in bringing together the different regimes for protecting the historic environment into a single "List of Historic Sites and Buildings of England" ("the List")."

82% of respondents answered the question. 85% of those were in favour of a unified list.

1. It was clear from the way that many responses were framed that there was confusion as to what was meant by a unified List and that we would need to spell out more clearly its purpose, what each designation within it meant and what protection it attracted. There was also much concern expressed about the perceived gap between the concept of a unified List, which was generally seen to be a good thing, and the practicalities of bringing it together.
2. However, the majority of responses were in favour of a unified List which brought together the disparate range of legislation dealing with all possible types of historic assets. It was widely felt that a single historic environment designation would be more understandable to the public. Many of those who were in favour of the single List envisioned a national electronic database which would link into local authority Historic Environment Records (HER) databases and mapping systems. There was much discussion about the relationship to HERs and the need to use them properly given that they were the most comprehensive database we currently had for the historic environment. It was also suggested that there should be one comprehensive document for each local authority area, including conservation areas and local lists – held at the relevant HER.
3. There was repeated concern about English Heritage's capacity to take on the work and warnings about the need for considerable additional resources for English Heritage and the planners and advisers required to implement the scheme. The scheme needed "proper administrative apparatus" to make it efficient.
4. There was a lot of interest about what a unified List meant for protection for the various types of asset on the List and whether it would mean, for instance, strengthening of protection for assets such as historic parks and gardens and battlefields. There was also a much-repeated plea that there should be no loss of control with a unified List. Several mentioned that it would only work if we unified the consents system as well.
5. There was a mixed response to the idea of a "local section" to the List. Those against it felt that a properly unified system and single List should not be introduced with two levels of listing. More however supported the recognition of and the keeping of a local section. Those in favour felt that a local section would offer endorsement of local assessment and ownership of the historic environment.
6. However it was generally felt that more clarity was needed on the interaction between the national and local section and there was some confusion about what we meant to do with conservation areas. The majority of respondents felt that conservation areas should not go on the national unified List. Conservation areas were purely local and we should not go back to "outstanding" areas. But the relationship between conservation areas and what we meant in the document by "historic areas" again caused problems and the difficulties reappeared in responses to later questions.
7. Several mentioned the difficulty with the terminology commenting that "The List" was semantically confusing and problematic with its closeness to the listing building regime. One favoured suggestion was to call it "The Register".
8. Those who were absolutely against the unified List were concerned that such a package would be cumbersome and unwieldy, a waste of resources and would not simplify the system. They asked what was the point of doing it, that it would be a formidable task to get it right and it would still have to be broken down into types of assets.

Q1.2: Is a power at national level to designate areas of historic importance necessary or useful? What would it add to the present conservation area designation? What issues would need to be resolved?

Report: para 24: "(The List) might also cover important historic areas, such as World Heritage Sites. Purely local designation – conservation areas and locally listed buildings – could be included in a local section of the List..." "A few conservation areas considered of special historic interest could be entered on the main List..."

69% of respondents answered the question. 72% of those were in favour of a national power to designate areas of historic importance.

9. Those in favour commented that this power would enable a broader, national perspective to be brought to important local areas. National level scrutiny complemented by appropriate local input would enable a more holistic consideration of the historic environment. It would be particularly useful for dealing with, for example, historic parks and gardens, battlefields, town landscapes and industrial landscapes. It would bring much needed coherence, uniform treatment and clear parameters for development purposes. It would enable a greater range of assets to be included under a single designation and allow consistency of designation, approach and standards, across the country between local authorities.
10. It would help in those areas where local authorities lacked the skills and/or resources to designate or protect an area. It would act as a safeguard against local political agendas and against recalcitrant local authorities which failed to designate correctly or at all. It would also facilitate designation across local authority boundaries for national and international sites as well as local ones.

Conservation Areas

11. The majority felt that conservation areas were an essentially local designation and should remain so. Designating them nationally would devalue local designations and create a two-tier system which would threaten community ownership. It would be better to find resource locally and retain local input and improve effectiveness of conservation areas by strengthening the designation. Either that or we should include all conservation areas in the new List rather than a select few. This might at least strengthen their protection.
12. Those against a national power thought it would complicate unnecessarily the current system and that we should avoid a new category of designation. A few pointed out that the SoS DCMS already had the power under current legislation to designate a conservation area and it had never been used. This should remain as a fallback power for the SoS for wholly exceptional circumstances.

Issues to be resolved if there was a new power to designate at national level

13. Firstly, clear and transparent criteria for the designation of historic areas would be essential to ensure explicit understanding of what should be designated on a national basis. There was a need to integrate existing designations with, for instance, the results of the Historic Landscape Characterisation and the Extensive Urban Survey.
14. Second, it would be essential that any national designation of an historic area should complement local initiatives. It would be necessary to consult local authorities on each area and review local procedures to ensure consistency. HERs could well form an important element in the definition of areas and they should be made statutory.
15. Third, English Heritage would need to set out clearly how historic areas would be managed and what the controls were. The new designation would need to address the problems that currently exist with conservation area designation. For instance, there would need to be more control over permitted development rights, better enforcement of controls and much improved protection. Many felt there was only virtue in the new designation if it offered more protection to conservation areas.
16. There would need to be a way of resolving disputes between local and national level.

Q2.1: Are the suggested safeguards sufficient to allow English Heritage to become responsible for maintaining the List?

Report: paras 28-30: "The government believes that Ministers' role in designation should be to make policy rather than to decide each case." "The transfer of responsibility (to EH) would be subject to four important safeguards.."

Of the 79% of respondents who answered this question, 90% believed that English Heritage should become responsible for maintaining the List with the suggested safeguards.

17. Although the vast majority considered that English Heritage should have statutory responsibility for listing many felt:

- English Heritage were currently under-resourced to do this effectively and that the issue of safeguards became irrelevant if they were not given more funding.
- English Heritage would have to be more open and transparent about its decision-making, reasons for listing or not listing made clear and their decisions open to scrutiny.
- English Heritage should be required to manage the List pro-actively.
- There should be strict time-scales for the listing process.
- The right of appeal, the SoS call-in power and clear published criteria were essential.
- There would be a need to ensure external monitoring.

18. As might be expected all layers of local authorities suggested that the local authority role in Listing should be explicitly defined, making them statutory consultees in the process.

19. Those few who were against English Heritage taking responsibility for the List were particularly concerned that they were not "a democratically accountable body". They felt that the current system had an important functional separation and there would be a possible conflict of interest for English Heritage, their independence would be compromised and thus their ability to advise impartially would be constrained – "acting as judge and jury".

Q2.2: What other options might there be? For example, might English Heritage establish some form of independent committee to make the designation decisions? How would CABE's advice on post-war buildings be factored in?

Of the 65% who responded, 79% were against English Heritage setting up an Independent Committee.

20. The majority was against English Heritage setting up an Independent Committee believing that this would introduce yet another layer of bureaucracy. It would not, as was the stated intention of our exercise, simplify the system. Duplication of already existing advisory panels would add unnecessary delay and would not achieve speed, consistency and transparency. It would also be impractical given the number of listing applications per year (cc 3,000). Furthermore an independent committee should be unnecessary in an open and transparent system. Public accountability should rest with English Heritage.

21. Most felt that English Heritage should be able to consult whomever they liked whenever they needed to. Most popular suggestion was a countrywide independent panel of experts from which English Heritage could call on individual expertise when they needed it for specific types of assets for which they had no in-house expertise themselves.

22. The few in support of an Independent Committee felt it would aid transparency and would stop English Heritage being both judge and jury.

How would CABE's advice on post-war buildings be factored in?

23. The majority of respondents believed that if CABE was to have any involvement at all it should be as an "ordinary" consultee. English Heritage already had the expertise in-house to decide on post-war buildings. CABE could be used as source of advice for specific cases as part of the independent panel but should be treated no differently to other expert groups.

24. The overwhelming message of those who did not see why CABE should have any involvement at all in the listing process, even as a consultee, was that CABE should concentrate on its reason for existence, that was as the champions of good urban design. It had an important and significant role but that did not include advising on heritage matters. Its remit should remain with the design and architecture of the future. It was also pointed out that CABE had so far agreed with EH in 95% of post-war cases so the exercise seemed to have little point.

25. The issue of the appropriateness or otherwise of treating post-war buildings differently was raised throughout the responses.

Q3: What criteria should be used to determine what items should be placed on the List?

Report: paras 31-36: "The Government sees the case for allowing EH some discretion and discernment in deciding what will be on the List....Some have argued that the listing criteria should not be limited purely to historical or architectural significance.....Others have argued just as vehemently that there must be a stage at which the worth of a site or structure is established free of any other factors..."

Of the 76% who responded to this question, 88% felt that English Heritage should take into account only technical criteria (much as now) to make the initial listing decision.

26. The majority of respondents considered that technically specific criteria should be established for each type of asset on the List. Whilst it was understood that listing might not always be the appropriate way of securing the future of a property it was widely believed that a decision on a site's future should be made only once the potential threat had been assessed. The planning system was not a comprehensive form of protection, given that works could be made under the Permitted Development Rights. Other works, such as agricultural operations, did not fall under the planning system and could be completely destructive.

27. Economic considerations, in themselves, should never be taken into account at the listing stage because they changed rapidly and did not reflect historic worth. Both economic considerations and other wider considerations should apply only on consideration of potential changes/or on planning applications. Adding in discretion could only lead to confusion of interpretation and less protection.

28. However many were in favour of English Heritage having limited discretion not to put an item on the List. Also popular was the view that designation should reflect local as well as national importance and that account should be taken of the local and regional context of an asset, its significance, its relationship with a site, its local relevance and value. This would engage communities and reflect a more inclusive approach to the past that is developing in the new century. It was also suggested that wider considerations and existing criteria could be tested through the English Heritage pilot projects. Current technical criteria should be reviewed now through the review of the PPGs and periodically in the future.

29. There was practically no support for recording rather than protection. It was considered a poor alternative. It should form a part of the overall discussion on what should happen to an asset after designation.

30. Those few (but a large proportion of the property industry response) who took a different line said that it would be more realistic to consider condition, future possible uses and regeneration of buildings at the time of consideration for listing. They suggested that buildings subject to planning applications should not be listed and that greater clarity needed around the whole issue of spot listing in development situations.

Q4.1: Should the present gradings of I, II* and II be retained?

Q4.2: Should some of the items at Grade II move to local lists? What safeguards would be needed?

Report: paras 37-38: "The Government would welcome views on the value of continuing these gradings. The Government will discuss with EH the practicalities of reviewing over time whether all those buildings listed at GII rightly belong on the List or might instead be migrated to local lists..."

Of the 80% who responded to Q4.1, 91% felt that the current system of grading should be retained. Of the 83% who responded to Q4.2, 95% said that no Grade II items should be moved to local lists.

Grading

31. The majority of respondents felt that the current system of grading should continue but could be substantially improved in various ways by:

- changing archaic terminology e.g. adopt Scottish system of A,B,C, or simply 1,2,3
- giving the wider public a clearer understanding of the system and of what each grade meant

- re-addressing somehow the GII* grade (a large proportion of respondents testified that GII* confused everybody and many people were in favour of merging GI + II* or getting rid of GII* altogether)
 - addressing the current inconsistency in grading post war buildings.
32. Those in favour of retention commented that the system was widely recognised and understood within the sector, that it worked well and was well respected. It should however be reviewed regularly. There should anyway be a review of GIIs as soon as possible.
33. Most agreed that we should grade all assets on the new List, special mention being given repeatedly to battlefields, SAMs and historic parks and gardens.
34. Those few who suggested we should get rid of grading altogether made the point that if all assets were on a new List of national significance then the statement of importance should suffice - modern conservation practice made no value in distinction
35. There was a small group of respondents who suggested we should extend the range of grades to include local assets

Local Lists

36. The proposition to relegate GII buildings to local lists was extremely unpopular, particularly amongst the local authority respondents as well as individuals and civic/amenity societies. The major reason given was that local authorities had neither the resource nor the skills to take this on. Local authorities had a poor track record on heritage matters and this action would completely overload conservation officers.
37. The majority made the point that if we were going to go ahead with moving GIIs onto local lists it could be only be done properly if there was a full review of each GII building to reassess their status. They would then be judged individually on whether they were worthy or not of the national designation. GII were listed within a national context – not local. In addition it could mean 92% of the stock would effectively be de-listed. Such a move should require a right of appeal against downgrading.
38. In addition, for downgraded GIIs we would need to make the protection level as high as before. Local lists enjoyed no statutory significance and therefore no protection. Local lists had no consistency of standards and historic buildings would be at the mercy of local politics. The way to improve protection was to make local lists statutory and strengthen their status and the protection of assets on them. Anything less would devalue the heritage for the local community.

Q5.1: Would a requirement for statements of significance help to establish for owners and local authorities what was important to conserve? How could the statements take account of the inevitable changes in values over time?

Q5.2: What should be the process of drawing up statements of significance for existing listings?

Report: paras 39-43: "The Government sees the case for requiring the following for all items on the List: a map showing exactly what area and structures are covered by the listing; a "statement of significance"...showing the reasons for listing, what is significant about the asset and indicating the works for which consent would be needed."

Of the 82% who responded to these questions, 92% were in favour of "statements of significance" but qualified as below.

39. What we called "statements of significance" should be regarded more properly as "assessments of importance". For most assets they should be statements of reasons to list or not to list.
40. However this was a very popular and fully discussed proposal. There would need to be absolute clarity from us as to their purpose and status but it was generally agreed that statements of importance would:
- Give a transparent and rational explanation for decisions and bring much needed openness and clarity to the process.

- Enable understanding of importance and wider context by asset owners (for instance it would be helpful in a “sellers pack” or owner’s logbook and should be written in layman’s language).
 - Make public aware of the value and significance of what was in their community (it should include all local knowledge available) so they felt ownership.
 - Provide an understanding of character, which would be essential to inform decision-making for future management of the asset and provide a user-friendly basis for effective discussions between owners, and local authorities who would feel more included in the process.
 - Remove much uncertainty from the system and therefore sustain confidence. It would add clarity, integrity and quality control to the process.
41. All were agreed that the statement of importance should not attempt to relate directly to protection and should not be seen as a definitive guide to consents nor be binding. Even so it would still give more certainty and clarity. It might identify works needing consent if a property was in danger of collapse. It should be flexible enough to allow for changes in values and the development of history. English Heritage would need to ensure consistency countrywide so, whilst prepared by the applicant, the statements should always be cleared with English Heritage. They would need to be reviewed periodically – at least every 10 years or at the point of application for change.
42. There was a small group of respondents who said we should simply enhance the current improved list description or add an explanation of importance to it.

Dealing with existing listings

43. It was generally agreed that in an ideal world a full re-survey should be done but that this was an obviously impractical exercise. There was much comment about the significant resource implications which would be needed to do such an exercise properly since existing descriptions varied significantly.
44. Most common suggestions for drawing up of statements of importance were that they should be triggered by:
- An application for consent
 - A change in ownership (perhaps through the Land Registry)
 - New information coming to light on a building
 - Major proposals for alteration/addition.
45. Those who felt something could be done straight away suggested that English Heritage could:
- Start with GI + GII* designations
 - Use a thematic approach for review
 - Initiate a rolling programme
 - Construct model statements for building types (e.g. churches, barns)
 - Concentrate on what is most at risk.
46. A lot of respondents were keen to clarify who would be responsible for drawing up statements. Suggestions were:
- Owners/ applicants should prepare and clear with English Heritage (also mentioned local authority and/ or relevant amenity society)
 - Use sub-regional teams
 - English Heritage to take responsibility for preparation
 - Community consultation needed.
47. The point was made strongly that requiring small owners to produce their own statements would be too onerous. But a large estate, such as a university with substantial body of assets, could prepare and submit a draft to English Heritage for approval as a precursor to a management agreement.

Q5.3: Should maps take place of the present definition based on curtilage?

Report: para 39-41: "The Government sees the case for requiring the following for all items on the List: a map showing exactly what area and structures are covered by the listing..."

75% responded to the question. 83% of those were in favour of having a map to replace the curtilage system. 17% felt curtilage could not be replaced but wanted a map to run alongside the curtilage system.

48. The 17% who felt that a map should complement the definition of curtilage and that it could never be a **replacement** for definition of curtilage took the line that curtilage had legal status, had been tested in courts and we could not just wipe away case-law.
49. The majority who were strongly in favour of a map as a replacement acknowledged that we would still somehow have to clarify the relationship with curtilage. However they felt that a map would give clarity and certainty for owners and the public. There would be more precision and areas would be more readily identified. Maps would help with local controls of works to listed structures by implying and thus speeding up the LBC application process. Several mentioned that a map should be included in an owner's logbook or sellers pack.
50. Many pointed out that the maps, to be of any use, would have to be set at a sufficient and appropriate scale. The scale and accuracy needed to be a lot better than they were now. A lot of respondents commented that widespread use of GIS would be the way forward, particularly with GIS becoming a standard tool. Any map should therefore be available in digital form and compatible with GIS-based systems. This would also enable transfer to the HERs. Local authorities felt that their input into draft maps would be essential.
51. Many felt there would be, as with the statements of importance, huge resource implications for existing entries and thus for English Heritage. An exercise to produce a map for each entry on the whole List would take years to complete. However it could be done for new Listings. English Heritage would need to ensure consistent standards across the country.
52. The majority felt that maps should form an integral part of listing process and should be reviewed regularly with the statements of importance. They could also be recorded by the Land Registry and put in sellers packs/logbooks.

Q6.1: Should the listing process become open and who should be consulted on an application?

Q6.2: Might there be different requirements for private properties which are lived in?

Q6.3: Should protection be applied during the period when listing is under consideration?

Report: paras 44-45: "The Government is minded to require owners, local authorities, amenity societies, parish councils and the public to be informed and consulted when an application is made to place an asset on the List and to provide protection during the consideration of listing..."

79% responded to 6.1 of whom 96% agreed the listing process should become open. 61% responded to 6.2, 96% saying that there should be no different requirements for private properties which are lived in. Of the 77% who responded to 6.3, 99% said interim protection should be applied.

Who should be consulted?

53. All responses were enthusiastic about opening up the process of listing to consultation but with almost everybody adding that interim protection was essential, many quoting the Firestone factory case. Suggestions for consultees were combinations of one or more of the following:

- Owner (or manager/occupier)
- Local authority
- Amenity bodies/ civic societies
- Parish councils
- Local community
- Neighbours/ residents groups
- CABE where post war
- Regional Assemblies
- DAC in case of churches

54. The consultation should be advertised to the local community and public via site and/or local press notices and public libraries.

55. Other regularly raised issues were:

- The national designation criteria should be made available to the consultees in order to improve their understanding of the reasoning behind decisions.
- The consultation process should not cause more delays or extra expense and therefore should be time-limited. The most commonly recommended period was 21 days which was consistent with LBC/planning applications.
- English Heritage should have the power to declare an application frivolous or vexatious and there would need to be a central arbitrator in case of a dispute.

Private Properties

56. 96% of respondents felt there was absolutely no reason why private properties which were lived in should be treated or considered any differently.

Protection

57. Nearly every reply to this question said that there must be a means of preventing pre-emptive damage or demolition and that meant interim protection for the period from application to decision-making was essential. Most also felt that an efficient system would mean there was no need for compensation and that the current compensation provision should be removed.

58. A system of interim protection would prevent abuse by owners, particularly if fines were at a level to be a real deterrent. Unscrupulous owners would only be deterred by very heavy fines. Statutory enforcement was essential since the price of openness was too high.

59. One respondent only (a developer) commented that this system would result in major costs to development industry.

Q7.1 Should there be a right of appeal? In what circumstances would it be justified?

Q7.2 Should the suggested right of appeal apply just to owners or to other interested parties as well?

Report: paras 48-50: "At present there is no formal appeal against a listing, scheduling or registration decision..."

Of the 79% who answered Q7.1, 87% agreed there should be a right of appeal. Of the 63% who answered Q7.2, 42% thought only the owner should have the right of appeal and 58% thought that the owner and, in most cases, the local planning authority should have the right.

60. Although 87% of those who responded agreed there should be a right of appeal, many commented that the need for a right of appeal was much reduced if there was to be a new, transparent and open system. However most concluded that, even so, such a right was necessary to help build confidence in the new process for the public.

In what circumstances would a right of appeal be justified?

61. The most popular reasons for allowing an appeal were: factual errors; incorrect application of the process; incorrect assessment of significance or incorrect application of criteria.

To whom should the right of appeal apply?

62. The majority of responses cited owners and/or local planning authorities. This majority was split almost exactly down the middle between owners only and owners with local planning authorities. Others who attracted significant mention were the amenity societies, those with significant property interest and public or strategic bodies. Those in

favour of owners only raised the point that 3rd party appeals are not allowed within the planning system with which the designation system should remain consistent.

63. There was some concern that an appeal system was not a good use of scarce resource. It would bring a further layer of bureaucracy and expense and would introduce lawyers into the process thus inflating costs. There was also a danger of cost prohibitive/opportunistic claims. It should definitely be a time-limited process and proper safeguards would be needed to prevent abuse of the system through frivolous appeals

Q8.1: What kind of consent regime will be most appropriate for a unified list? Should English Heritage seek to define individually at the time of listing what works will or will not require consent or should only generic rules be applied?

Report: paras 51-55: "The Government sees the case for establishing a single flexible consent regime for all items on the new List, apart from the local section of the List..."

63% of all consultees responded to this question. 90% of them put forward the view that English Heritage should not seek to define individually at the time of listing what works would or would not require consent.

Most appropriate regime for a unified List

64. 90% of those who responded to this question put forward the view that any new consent regime should be clear, unequivocal and as simple as possible so that the public and/or applicants could understand it. A single regime with a single point of delivery (and a single application form for consents) would also be much more beneficial for owners. Such a regime would, however, need to be sufficiently flexible to accommodate the very diverse management requirements of some sites and buildings. The existing range of controls was confusing and rationalisation was welcome provided the controls were not diminished. A suite of consent regimes should be available to use inter-changeably. Any consent regime would require a firm and rapid enforcement system.

65. Many saw the single flexible consent regime as the unification of listed building consent and scheduled monument consent at the local level – listed building consent being the simpler and more user-orientated model. This would help integrate archaeology with other aspects of the historic environment within local authority control. Other suggestions included unifying listed building consent with conservation area consent.

66. Nearly all thought that local authorities would need a lot of extra resource, in terms of funding, expertise and skills to administer scheduled monument consent. A few suggested that perhaps the proposed sub-regional teams could take it on. There was some discussion on which tier of local government would be best equipped to be responsible for unified consents.

67. Those against a unified consents regime saw the practicalities of managing it as arduous. Two forms of consent process, listed building consent and scheduled monument consent, working in parallel would confuse everybody since they represented such different philosophies. There was concern amongst the churches that this proposal might spell the end for the Ecclesiastical Exemption (subject of a separate consultation). The overall message from this group was that streamlining and co-ordinating the current systems would be better than unification.

Establishing generic rules at time of designation

68. Most responses were along the same lines as those commenting on what should be set out in statements of importance (Q.5.1 above). There was almost total agreement that, whilst better definition would help owners, important historic features could remain hidden in the best-documented buildings and might through individual definition or the lack of it be lost. Individual definition was agreed to be very onerous on and hugely resource-intensive for English Heritage and could even be restrictive for owners. It was a risky strategy which ran the danger of being misinterpreted or of not foreseeing potentially damaging action. Most felt that nothing should be specified until an application for consent was made.

69. The majority of respondents considered that generic guidance would be enough. A clear definition of character and value would be sufficient and provide the flexibility needed. Many agreed that owners needed clear, consistent and easily accessible guidelines on what works would or would not be considered (for instance, satellite dishes or double-glazing) but that covering every eventuality would be excessively complex. Any generic rules or guidance should be published and sent to the owner.

70. However the larger end of the property industry felt that generic rules were insufficient for specific operations like transport, water, and tele-communications but that these were likely candidates for management agreements where a full statement of significance could be more specific. They wanted certainty and generic rules were too vague and capable of ambiguous interpretation

Q8.2: What generic arrangements would be suitable for historic areas?

Report: para 55: "The Government welcomes views on whether EH might be able to specify more precisely what works would and would not need consent."

57% of the respondents answered this question.

71. Most respondents prefixed their reply with the comment that they were unclear what we meant by historic areas. Did we mean simply "conservation areas" or were we including historic rural or urban landscapes within the definition? Each response was therefore constructed around what they thought we meant. It was felt that, whatever we were talking about, there should be a statement of significance to define the area which enabled its history, character and appearance to be clearly understood.
72. In drawing up the definition of an area many felt that there should be more focus on the historical rather than just architectural. We should for instance ensure historic parks and gardens were included, incorporate areas of wider archaeological interest and also take account of historic public places such as market places or squares. Other suggestions for inclusion were hard and soft landscaping features, horizontal surfaces, treatments and signage, wall paintings and trees. To do this it was suggested we could make use of Historic Landscape Characterisation and the Extensive Urban Survey.
73. As far as controls for historic areas were concerned most thought we should have a presumption against activities that do not enhance the historic character of an area by strengthening the controls which lead to the erosion of character – particularly permitted development rights. English Heritage should design different suites of arrangements depending on an area's location, whether rural or urban, and its character. Many assumed that being designated an historic area on the national list would automatically mean legal protection, much strengthened from the protection currently offered to, say, historic parks or gardens or conservation areas. Management agreements were advocated for complex or large sites, or for common changes constructed at local level. It was suggested that some historic areas were candidates for long-term management plans which dovetailed with Local Development Plans. We could, for instance, adapt the system currently in use for SSSIs, particularly for areas like battlefields. Whatever the area, its future should be well integrated into the planning system.
74. Generic criteria could include such things as depth of working, percentage of site undisturbed and works needed for health and safety reasons. But, given the diverse nature of historic areas, it might be very difficult to achieve satisfactory generic statements. More public dialogue would be required regarding the safeguarding of an area and with academic groups regarding the historical context.

Conservation Areas

75. There was much discussion and comment around the widely held belief that conservation areas were failing, the legislation was weak and fundamental reform was required. There were many references to the problems of permitted development rights, the Shimizu case and the use of Article 4. It was felt that ODPM and DCMS should address this in a joined-up manner and that should introduce meaningful controls to conservation areas.

Q9.1: How feasible are management agreements as an alternative to statutory consents and in what circumstances could they be most useful? What would be the essential components of such agreements?

Report: para 56: "The Government also invites views on providing, for items on the new List, the opportunity for some owners to enter into a management agreement with EH and, in appropriate cases, the local authority as an alternative to consents."

74% responded to this question

In what circumstances would management agreements be useful

76. There was an array of suggestions for the types of sites for which management agreements were seen to be a useful tool. The most common response was that they provided improved and pro-active management for large buildings under single ownership and/or complex sites where conservation management plans already existed and there were appropriate proven management practices. This included those sites where the pressures for constant change were considerable and the need for flexibility and speed of response was essential. It also included situations where specialist structures, possibly in many parts of the country, all required a similar maintenance regime (and which currently required an individual application in every case).
77. The wide-ranging types of sites quoted included: whole farm environment schemes; scheduled monuments; definable historic landscapes; historic military sites; battlefields; landscaped country parks; intensive industrial or transport archaeology; modern listed buildings (with simple forms, materials and repetitive details, a pattern of small scale or regular internal repairs); large industrial or office complexes or estates; public housing estates; parks and gardens; hospitals; universities; schools; Town Halls; public libraries; fire stations; hotels, docks and rural estates.
78. It was generally felt that the process of drawing up management agreements provided a basis for "intelligent, non-confrontational consideration" of forthcoming works and would lead to a shared understanding of what would or would not need consent. This would accelerate decision-making and would make the whole process more comprehensive and strategic. More generic advice would be provided on appropriate alterations, saving time and resources on multiple, repeat enquiries and smoothing the path for those necessary formal applications. It was acknowledged that such agreements would take time to produce but if done well the investment would be worth it.
79. The agreement should be between the owner, English Heritage and the local authority. Owners, or their managers, would need to ensure they had the necessary expertise but it would allow them to have a better understanding of their sites, would engage them in management and stewardship and would ease a potential regulatory burden. It would provide a framework for the planned development of an asset. There would however be no incentive for owners to invest the time and resource unless it resulted in a streamlined system of approvals.
80. Although the majority of respondents were in favour of management agreements many felt that they should be an addition and complementary to the consents regime, not a replacement. In other words they should not imply a lessening of protection. Comparison was made with the class consents regime which has so endangered archaeology. Many also felt that such agreements should be drawn up after designation so that statutory protection acted as a fallback if things went wrong.
81. The resources issue was again raised by many. They felt that a lot of work had to be done to identify when and under what circumstances management agreements might be used. Local authorities considered that there were substantial resource implications for them in terms of professional staff time for specifying, commissioning, research, development and monitoring which would be extremely onerous. The logical outcome of this argument for many meant that management agreements would probably end up being used for only a small number of special sites. In addition to the burden on local authorities and English Heritage, the investment required made them unfeasible for all but the large landowners or estate managers (it was mentioned that English Nature helped owners with start-up costs when constructing a management agreement for SSSIs). Front-end effort would be considerable to create meaningful and comprehensive document. It would be helpful if English Heritage could produce model agreements and detailed guidance on the process.
82. Other issues raised were:
- Agreements should be legally registered so that new owners/occupiers would be aware
 - Agreements should be instantly terminated on the sale of a site or property
 - There should be a clearly identifiable site or property owner
 - The owner should ensure that there were suitably qualified managers in charge.
83. Many commented that more work was needed on the detail of the agreements and how they would work and that English Heritage should begin trialling them as soon as possible.

Essential components of management agreements

84. There was a range of suggestions in response to the question. Most often mentioned were the following:

- Significant and sufficient information to ensure consistent decision-making (including the range and nature of consent requirements)
- The principles on which any future development should take place
- Design manual covering windows, doors, external landscaped areas and other structural elements (finishes and materials required to do works; building details, landscaping and boundary treatment; depth to which excavation is acceptable, limits on number of operations each year)
- Comprehensive set of data that informs the development and implementation of agreement (detailed conservation plan, historical analysis of site, assessment of vulnerability)
- Clear identification of roles and responsibilities
- Map delineating site boundaries, list of assets, statement of significance and a condition statement
- Management objectives and management strategy
- A history of interventions (including schedule of maintenance and repairs)
- Performance criteria
- Regular monitoring regime
- Rigorous policing and enforcement regime
- Reporting procedure for unexpected finds or changes

85. There should be formal and informal structures to progress and evolve the agreement which should involve communities. It might be useful to have a national agreement with English Heritage for particular structures.

86. Other issues raised about components of management agreements were:

- There should be provision for the resolution of disputes and realistic penalties for non-compliance which must be enforceable
- Agreements should be time-limited for an agreed period with an option to renew
- Agreements should override other local and national statutory controls and be legally binding.

Q9.2: What safeguards are needed (for management agreements) to ensure openness and rigour?

Report para 56: "Agreements would need to be subject to audit and review. If an agreement were not kept, the normal controls would come back into play."

56% responded to this question

87. The majority of respondents believed that one of the most important safeguards would be opening the full process up to public scrutiny. There should be:

- Public involvement in the decision-making process to ensure openness and understanding
- A formal announcement of the process in the local media
- Full public consultations involving all stakeholders (in particular, English Heritage, local authorities, national amenity societies, civic groups)
- Publicly available maps
- Democratic controls (clearance through local authority committees)
- Documentation of all processes

88. The final agreement should be available for public scrutiny and comment and included in the Local Plan. In addition English Heritage should develop partnerships with all involved, open and continual dialogue should proceed between all parties and there should be more transparency to local authority discussions of major management agreements. Public documents should be subject to periodic review

89. Further safeguards would come though the agreement's status as a legally binding arrangement with clearly defined limits. Proper governance was important such as a stakeholder steering group, a constituted body with representation from all involved in the site or possibly an independent committee on which would sit relevant local amenity groups or other key stakeholders. In addition there should be a management board to make decisions on works.

90. There were other measures which should be available such as a comprehensive list of what was or was not permitted; some form of certification on completion of works to ensure work complies with best practice and an

annual log of alterations. The agreement could be treated as a planning obligation and noted on the planning register.

91. One safeguard raised as a possibility by a few would be to make the process open to an appeals procedure.
92. The system would be improved by issuing proper guidelines and training for staff undertaking this work. Quality assessment processes could be introduced and standards set to ensure consistency. English Heritage would need to provide guidelines on the content of management agreements and the process of drawing them up in order to make them consistent, clear and straightforward.
93. A much-discussed safeguard was the strength of any monitoring, review and enforcement system. Comments included that a periodic review should be built into the process to ensure the agreement's continuing relevance (both 5 and 10 years were popular) and that there should be:
- Annual monitoring and approval of works
 - Annual performance reporting by the owner and audited plans
 - Regular intelligent inspections/ periodic site visits
 - Self-regulation subject to inspection
 - A flexible mechanism for updating, varying and cancelling agreements
 - A fully documented tracking system;
 - An English Heritage overview
 - Regular meetings of interested parties
 - Provision for resolution of disputes, penalties for non-compliance and enforcement at local level.
94. Most felt that an open and rigorous enforcement regime was essential. Whilst there was general agreement that where there was non-compliance, then there would be a reversion to the consents regime, many also felt that there should be stringent financial penalties and maximum publicity for non-compliance.
95. Again there was a lot of comment about the amount of resource which would be needed by local authorities were they to monitor and enforce the agreements, the implication being that there was not much point to having safeguards if there was not the resource to enact them.

Q.10: Should the Government provide for joint agreements covering the natural and historic environment (such as are now available under agri-environment schemes) to be recognised in statute as an alternative to consent requirements?

Report: para 57: "There is much experience of using agreements as a form of protection for the natural environment..."

96. Of those that responded there was a big majority in favour of joint agreements but only on the basis that they complemented consents. The opinion that there could be no replacement for statutory consents was repeated many times. The process should be consents first followed by joint agreements. In that case if anything went wrong with the agreements the consents were there to fall back on.
97. There were a number in favour of joint agreements being recognised in statute. However there were more who thought that the agreements should be voluntary since the strength of agri-environment schemes was said to lie in their voluntary nature and the active participation of the owner. This group of respondents believed that, depending on how responsible the owner was, a voluntary agreement could operate entirely unimpeded within the consents regime.
98. The SSSI, the Countryside Stewardship Scheme and the Environmentally Sensitive Areas scheme were cited as good models of a common approach which encompassed natural resource protection, landscape and access issues. There were considerable benefits in adapting historic designations to recognise landscape areas. Such agreements should be available for owners with multiple conservation interests to help resolve potential conflicts between the different interests. To a landowner there would be perceived benefits in a single environmental plan and archaeology could benefit from the more generous budgets. Agri-environment schemes might provide the practical means by which conservation of a site may be managed - one agreement for one piece of land which gave a clear understanding to an owner of what needed to be done.

99. Further, such agreements would encourage pro-active management. Managing land holistically was more expedient and cost effective, ensuring that management prescriptions for natural environment and historic environment were not mutually harmful. It would assist in the management of change, it would involve communities and target grant aid to areas of greatest need and heritage-led regeneration. In other words it would consolidate the opportunities for more sympathetic land management practices created by the recent reforms of CAP, national envelope funding, whole farm assessment and advice.
100. Farmers should be grant-aided and given guidance and education. It was important to ensure DEFRA had or had access to (in the form of HERs) the appropriate historic environment expertise. They needed specialists with entirely different skills, including project management skills, at a local level and they needed sufficient knowledge and experience to draw up agreements and monitor them. EH could provide model agreements and clear guidance for consistency of content and use. Such agreements would require regular inspection, proper reporting and effective enforcement and audit processes which were transparent and open.
101. English Heritage and English Nature should work together to reduce bureaucracy and give owners a single point of referral. There was however a great deal of concern expressed that any compromise between natural and historic heritage concerns would dilute existing controls on the basis that the systems are too different to reconcile.

Q11: How can the national interest in protecting important archaeological sites best be reconciled with the needs of farmers?

Q12: What would be the most helpful ways within the new Entry Level and Higher Tier schemes of encouraging farmers to protect the historic environment?

Report: para 58: "Many have spoken of the need to develop a better means of protection for archaeological sites where cultivation can cause the destruction of known sites of significance..."

Only 46% of all respondents answered these questions. Of those, 95% answered Q11 and 65% answered Q12

Question 11: How can the national interest best be reconciled with the needs of farmers?

102. The most commonly held view was that this was basically all about direct or indirect financial assistance. Suggestions included:
- Promote agri-environment schemes and increase incentives
 - Realistic grants not token payments
 - Agreed compensation schemes
 - Financial penalties and financial inducements linked to stronger statutory control including greater enforcement when damage is done - pay to protect
 - Move subsidies from production to land management and environmental conservation;
 - Payments should reflect tourism/economic benefits of archaeological sites;
 - Financial rewards and incentives tied to proper and sensitive management
 - Joint agreements covering protection of natural and historic environment – mandatory schemes backed by effective enforcement and greater penalties for damage
 - Land purchase
103. It was generally agreed that there should be positive management agreements to run alongside the statutory system. Any conflict of interest should be addressed through careful and open negotiation with English Heritage and management agreements pump-primed where necessary by grant aid. Any set aside payments under the CAP should also be subject to proper management agreements.
104. There was a critical need for partnerships amongst all concerned. There should be much better co-ordination between DEFRA and all natural environment agencies and joint initiatives promoted with HEF, NFU and others. Stewardship of the rural historic environment as a whole should become a keystone of the DEFRA agenda.
105. Archaeology should be established as a key part of modern, integrated, environmental farming and this should be reflected in the criteria and operation of agri-environment schemes. The majority of those who answered the

question considered that the government should revoke the class consents order for ploughing to address the problem of consistent ploughing damage.

106. All such management agreements should be publicised and made available for public inspection on a locally held register.
107. A very few made the point that like other businesses farmers have a requirement to conserve and the farmers' need should be overridden by archaeological importance.

Question 12: What would be the most helpful ways within the new Entry Level and Higher Tier schemes of encouraging farmers to protect the historic environment?

108. Farmers should have full and appropriate advice from archaeologists and farm business advisers should be fully trained and aware of the relevant issues. There should be increased education and promotion of the historic environment through the direct input of expertise from specialist officers. Schemes could be publicised better through organisations such as the NFU. Clear and consistent information was required on the agri-environment schemes themselves. Successful farming and conservation schemes would rely on good local information (with HERs playing a crucial part).
109. It would be important to cover costs associated with protection and make available guidance, grants and actual skilled labour for works. DEFRA needed to fund specialist advice and target grant aid properly at realistic levels. DEFRA also needed access to historic environment skills in order to develop a comprehensive grant programme. Therefore there should be statutory status for HERs and more resource so that they could provide information in accessible formats. Any financial incentives scheme needed to be underpinned by a firm cross-compliance regime. The government should pay farmers to manage actively in order to prevent further degradation of sites. Food production subsidies should continue to be replaced with incentives to protect the natural and historic environment.
110. The Entry Level Scheme points system should be directed to make it sufficiently attractive to farmers and farmers should be encouraged to maximise the historic environment content of their applications. Any compensation should be a fair representation of income loss.
111. Again many made the point that agri-environment schemes might provide the practical means by which conservation could be managed but this should not be a replacement for listing and/or scheduling.
112. Finally, DEFRA and DCMS needed to be better joined-up and there should be effective partnerships between farmers and the variety of public agencies. This would provide a co-ordinated local approach. It was important that national and local priorities and information were fed into the regional consultation groups.

Q.13: What planning guidance on protection of the local historic environment would be of most value to local residents, authorities and developers?

Report: para 62: "The Government is considering the issue of guidance to make clear what plans district and unitary authorities will be expected to develop for the protection and enhancement of the historic environment as part of their LDF and sustainability planning."

70% of respondents answered this question

113. Planning guidance should be publicly accessible and transparent. It should be clear, consistent and jargon-free with clearly defined strong policies – certainty was crucial.
114. Guidance to local authorities should focus on such things as street heritage which complements built heritage, guidelines for historic landscape, village design statements and recognition of smaller features such as wells, gateposts, milestones, steps and street furniture. Guidance should cover the protection and retention of indigenous local materials, respect for the scale and proportion of new developments, acknowledgement of vistas and valuable open spaces however small. In addition it should cover what works can be done without specific approval, the use of materials, the identification of significant aspects and clear advice on the sort of activities that would be encouraged within protected areas. Guidance should remind authorities of their statutory powers to serve CPOs, urgent works and repairs notices, on what work is acceptable or appropriate.
115. For owners, good practice guidance was needed to help them prepare and submit applications along with advice on selecting professionals. Guidance was also required to help certainty and minimise risk for developers. It should

give the historic environment high priority in authority-led and sustainability planning. It should stress the potential of the historic environment for tourism. There should be access to concise, simple, explanatory material on principles of good design and conservation and understanding the role of the historic environment in promoting regeneration. Character statements for the built and natural environment should be included as supplementary planning guidance.

116. The revised PPS1 and 15 would be crucial. The majority of respondents felt that these were the proper vehicles for the guidance necessary for authorities. They would need to contain a clear statement from government that the historic environment was of the highest importance rather than an add-on. PPGs 15 and 16 should be combined and Annex C of PPG15 expanded. It would also be helpful to provide a "lay" version of the PPGs for the local community. These could be complemented by examples of good practice.
117. The new PPS1 should require local authorities and developers to engage properly. It should strengthen development control by ensuring engineers, surveyors, transport and waste collection departments co-ordinated their activities. It should also integrate heritage considerations into urban design policies.
118. EH should produce guidance packs which would form part of the proposed "logbook" which would be passed on when property changed hands. The guidance should be promulgated widely and contain detailed frameworks and models. EH could develop generic technical guidance in a way which could also easily address local variations, containing such things as advice on selecting conservation professionals and guidelines. These would be intended to make developers/architects think more carefully and imaginatively about sympathetic, contextual and stylistic considerations. The guidance manuals would provide a national basis of information interpreted in a simple way to help both local authorities and the general public.
119. Local authorities themselves could produce best practice guides for residents, published in leaflet form and on their web sites. Expanding local authority web sites was a very popular suggestion. They could include maps, plans, examples, sign-posting to other organisations, funding bodies and experts in conservation advice. It was felt by many that there was widespread public ignorance about the scope and nature of existing controls.
120. There was an essential role for HERs also to provide definitive advice. They would need the resource to do this and the majority opinion was that they should be made statutory. This would ensure a level of uniformity of content, quality and the necessary resourcing.
121. In addition local politicians needed to be convinced that well looked after historic areas were important to the local economy, image and marketing for tourism. Strategic plans should outline the areas of importance and then local authorities could bring down to local level. All local authorities should set out the issues and policies in SPG, explaining the importance of and opportunities presented by the historic environment. All parts of a local authority needed to be aware of the conservation content of plans.
122. Local communities should be engaged in preparing LDFs. Similarly local lists and conservation area appraisals should be written in layman's terms and with public input. Local authorities should let residents in conservation areas have clear advice about the implications. Government should require councils to bring forward action plans for conservation area enhancement.
123. Local conservation officers were needed who knew their patch and had the time to talk people through the system clearly, from citizen to councillor. Those local authority staff, who often did not know the system as well as the public did, needed educating about listing and the significant features of the built heritage. For owners there should be guidance setting out what could and could not be done, where advice, information and expertise (e.g. local architects, list of building firms) could be sought and who was responsible for what. Authorities could issue publications which contained architectural evaluation of community buildings and promote wider understanding of their detailed qualities. Lists of skilled heritage architects, surveyors, builders and craftsmen needed expanding and to be made more widely available.

Q14: What would be the most productive way of encouraging local authorities to undertake conservation area appraisals? What might be done to encourage them to set out bolder policies for enhancing rather than just preserving their conservation areas?

Report: paras 63-64: "The Government wishes to find new ways to encourage local authorities to provide appraisals for their conservation areas and how the areas could be enhanced."

76% of respondents answered this question

124. Conservation areas were felt to be extremely resource-hungry in a climate of competing priorities and limited resources. They were believed to be designated by many LPAs to achieve a greater level of design control and avoid development. They constituted a large long-term workload when urgent short-term work – development control advice – took precedence. There would therefore be no significant change or improvement without the resource and political will. It should be mandatory to have adequately trained specialist conservation in authorities. Good appraisals were time consuming and needed professional input. Various options suggested were the use of consultants, investment in heritage experts, the proposed sub-regional teams, or the creation of specialist teams on a regional basis to carry them out and supervised by EH.
125. Government should make the designation of conservation areas and the appraisal a statutory requirement and strengthen the controls. If the appraisals were not done then the areas should be de-designated. Some believed that conservation areas should only be designated on basis of full and EH-audited character appraisal.
126. There was a lot of support for the idea of making conservation areas and their assessment part of the BVPI process. The comprehensive performance assessment and other government PIs should recognise and promote conservation. Some suggested a specific BVPI linked to additional funding for staff from the planning support grant. It was felt that such targets were badly needed for the heritage sector (e.g. conservation area appraisals have been put on hold in one district authority in order to meet national planning targets for development control).
127. Many felt that financial incentives such as making more resources available by way of grants to authorities on the publication of each appraisal would be helpful. Others suggested they could be financed by central government or a levy on developers. A formula could be devised for conservation officer provision and funding within each authority which took into account numbers and size of conservation areas and historic levels of applications.
128. Conservation areas should be required to be part of LDFs and their importance as a material consideration be reinforced. They should be a pre-requisite of the Local Plan and should be capable of being challenged within the by EH and/or CABE to ensure they meet a national standard
129. Conservation areas could be made time-limited where automatic de-designation occurs after a certain period if no appraisal has been done or controls should simply be suspended until the LPA has published an appraisal.
130. Many believed that there should be greater controls in conservation areas over alterations and demolition and that those areas should generally have tighter planning controls. It was regularly mentioned that Article 4 directions were bureaucratic and time-consuming. The designation should be made "worthwhile. IN particular many volunteered that the uncontrolled actions of highway authorities made a mockery of conservation area designation and they should be brought under conservation control.
131. Conservation areas frequently did not reflect areas of archaeological sensitivity and consequently should be broadened to include below ground archaeology. There was a lot of support for the idea that work on the assessments should be accelerated and broadened into more comprehensive historic environment appraisals.
132. There should be training schemes for councillors and officers so that they "owned" the issues. In particular, transport and highways officers needed more education and encouragement. There should also be more genuine dialogue with local community; residents so that they could propose their own designations and authorities should be required to have Conservation Area Advisory Committees. Some respondents made the point that residents do not have the required skills, they could only assist although established local bodies (e.g. civic, amenity or historical societies) could provide significant assistance. However greater participation would gain community ownership (cf. village design statements). It was felt that EH could do more to demonstrate the link between conservation and the community where conservation was still sometimes regarded as a constraint on local economies. There should be public consultation before adoption of areas. This could be undertaken by heritage trusts with good track records to present an impartial view and engage the local community. Committed people were essential. There should also be wide consultation between authorities and the major owners or users of the historic environment. An excellent way of involving local residents would be for the local community to carry out the initial research and analysis.
133. Consistency of approach by authorities was needed. The guidance should be updated by EH and widely publicised. An EH toolkit for production would be helpful. This should set a national standard and include examples of good practice, provide practice notes and models and include information on how to produce on the web and how to manage the process. Appraisals should be made more holistic and the overlapping nature of parish plans and village design statements clarified. More robust and understandable guidelines on protective measures should also be more readily available.

Enhancement

134. Preservation was said by many to be more important than enhancement. Most felt also that the possibility of enhancement was tied to the resource issue and the following range of suggestions made:

- Increase grant assistance from e.g. EH, HLF, CA, CABE to complete appraisals
- Financial incentives to owners/developers
- Authorities to bid for and disburse regeneration funding
- New provisions for developer contributions under S106 agreements
- Tie enhancement to a positive funding regime
- Funding partnerships.

135. Other options for enhancement were:

- The institution of a Government-backed design award scheme
- As part of co-ordinated and well designed public realm schemes
- heritage-led regeneration scheme
- Civic awards for good repairs
- Profile-raising devices such as competitions to make the community aware
- Find new viable uses in partnership with local communities and commercial concerns

Enhancement schemes should be locally distinctive Any new approaches to facilitate economic growth would bring renewed economic vigour and improve the sense and value of the historic environment to the community.

136. The local authority role for achieving enhancement should be encompassed in adopted management plans for each conservation area. The control process could be used to increase the standard of design. Area action plans within the LDF could also provide the opportunity for enhancement. It certainly should be conservation-led rather than developer-driven.

137. Finally, it was felt that enhancement should not raise expectations and that more thought should be given to how conservation area appraisals should be used.

Q15: Should there a mechanism for preventing demolition of locally listed buildings without consent? Should this be linked to development proposals? What safeguards would be needed to ensure the quality of local lists?

Consultation Report: paras 65 – 68: "At present there is no power for authorities to prevent demolition of a locally listed building unless it is in a conservation area. One suggestion made in the context of the GPDO review is that a planning application should be required for the demolition of locally listed buildings unless planning permission has already been granted for the redevelopment of the site."

73% of respondents answered the first part of Q15. Of these, 68% supported the idea of a mechanism for preventing demolition of locally listed buildings without consent.

Only 14% of respondents answered the second part of Q15. Of those, 67% said the mechanism should be linked to development proposals.

138. Most respondents regarded local lists as an anomaly and very few supported the concept. They were said by many to dilute other designations and to have proved to have been of no benefit. It was felt strongly that there was no point introducing them without effective statutory controls to protect them because public confidence in the planning system was severely undermined when much-loved buildings on a local list had been demolished under the GPDO. If government wanted to continue and improve the working of local lists they should at the very least be given the same level of protection as conservation areas. Many said that if a local building was of due significance then it should be listed at GII – otherwise local environments become atrophied. It was pointed out that 56% of local authorities did not have them because they were ineffective and led to confusion. Many were protected in desperation to lessen the impact of modern development and thus the concept was subject to abuse. Local people were appalled at what could be done to locally listed buildings and the loss and harm done to the character, appearance and image of local areas.

139. The designation system should protect historic buildings, not the planning system. Thus local lists needed effective controls and locally protected sites should be protected through local plans. Protection should also be

expanded to cover below ground as well as other heritage assets and it should be made an offence to demolish locally listed buildings.

140. The majority of respondents believed that a planning application should be required to demolish any building on the local list. It should be a combined application procedure to demolish and build. Developers should be required to submit plans for replacement or landscape treatment. Many said that the government should bring all demolition within planning control. The inability to resist demolition for local listed building was frustrating. Local listing should be a material consideration and demolition not allowed without alternative proposals. This control should also extend to damaging alterations. There should be enforcement and severe penalties for any breach. A lot of respondents believed that alteration rather than demolition was much more of a key issue.
141. The review of the GPDO was widely welcomed since permitted development rights were seen by many as the greatest threat to the survival of the local historic environment. A few suggested that automatic Article 4 controls over alterations to locally listed buildings would safeguard local interests.
142. A very few said that it would be too limiting to tie a mechanism into development proposals and that this would only encourage demolition in advance of proposals.
143. The local lists should be compiled by local authorities and supported by policies in the local plan or LDF which should be supported by national guidance. LDFs should contain policies for the retention and enhancement of local list buildings. They could be included in development plans at a policy/SPG level. National criteria for listing locally should be defined as part of national planning policy guidance. The government should define and publish a national standard for local lists, the criteria for selection and the control and appeal mechanisms. There could be a benchmarking process, perhaps the one proposed for HERs could be extended to cover local lists. Authorities could adopt specifically locally sensitive criteria for selection and compilation should be subject to community involvement through a local consultation process. Local societies could comment on proposals with a statutory time scale. They could start with those considered for but not making the national grade.
144. Regeneration and commercial interests should be carefully balanced against the safeguarding of historic buildings. In order to link consent with proposals there needed to be a wider dialogue with the community which was not politically motivated and a great deal of transparency.

Q16: How could an effective sub-regional team be created? Should it primarily be about developing guidance and sharing best practice or about facilitating casework and providing support to local authorities? What would be the benefits and downsides?

Report: paras 74-76: "The Government would welcome views on how to strengthen local capacity and expertise."

Of the 67% who answered this question, 53% were in favour of creating a sub-regional team

145. A lot of the responses hinged on what exactly we meant by the creation of a sub-regional team. Those very much in favour saw it as a way of pooling specialists with a wider range of skills than could be supported by a single local authority. Pooled resources were said to operate more efficiently and effectively. There would be economies of scale and cross-fertilisation. They would be staffed by those with common aims who could share information and expertise. A critical mass of professionals would help to even out disparities across a county and provide a holistic service with benefits of economy of scale and shared experience. It would be important to define clearly the roles and functions to avoid duplication of effort. One size very clearly would not fit all and combinations would have to be tailored to regional and local circumstances to create flexible arrangements.
146. Many were in favour of county council-based specialist teams which were seen to be good models which had worked well. Such a grouping would not need to be physically located together. It was felt that an informal grouping or network of partners could work - "virtual teams". It was suggested that the teams should not be restricted to English Heritage and local authorities but include local parties such as amenity groups, civic societies and academics from local universities. Links could also be encouraged to professional organisations.
147. Such teams must be able to handle a range of casework, general initiatives and guidance. They could offer in-service training and over time develop best practice guidance, particularly on specific regional issues. There should be an educational role to raise the level of informed debate throughout the area and provide context for local decisions. Such a network would be able to offer confidence and provide support and powerful assistance to those local authorities who did not have a conservation officer or whose conservation officer was overloaded. It would

thus improve consistency between authorities as well as consistency of decision-making and of approach. This would lead to clarity for both developers and the community.

148. Another offshoot of this structure could be that it might provide a good basis for continuous professional development and a training ground for future staff, thus improving career paths.
149. Those who were against the idea of sub-regional teams saw it as a process which would reduce the level of service and expertise at local level. Their argument was that the public wanted local expertise on hand and any group based further away would be too remote – “too far from the coal-face”. Local knowledge was vital to being effective in dealing with local casework. One alternative suggestion was that it would be better to fund more qualified staff at local level and beef up local authority capacity at all levels. Conservation Officer Groups could then perform this role. Another alternative would be to consider strengthening English Heritage’s regional capacity. Many respondents felt strongly that English Heritage Regional teams should anyway be more pro-active and should be providing guidance, best practice and co-ordination in order to maintain consistency.
150. Those who thought we were suggesting a stand alone grouping commented on the need for significant extra resources. “Pooled resources” did not deal with the problem of “lack of resources”. Many of the local authorities, in particular, expressed concern about creating another layer of bureaucracy which would be expensive and time-consuming and could draw away resources from LA conservation officers. They felt that such an extra tier would be cumbersome and unnecessary and make the decision-making process more lengthy or time-consuming. A few suggested that perhaps the RDAs should establish regional good practice networks and that heritage design and expertise should be put into RDAs.
151. Finally, London boroughs and London-based organisations commented that there were different considerations for London and it should be looked at separately.

Q17: What are the important skill gaps and what action would be most effective to bring about swift change?

Consultation document: paras 77 – 79: “The Government wishes to animate a debate about the skills, knowledge and experience needed across the whole sector to achieve the improvements anticipated in this paper.”

64% of respondents answered the question.

152. Government should provide clear guidance to local authorities on the expected level of specialist staffing, including local expertise in archaeology. Government should commission an accurate profiling of professional roles which were carried out in the field and a definition of competences should be drawn up.
153. The majority of respondents commented that it should be mandatory for local authorities to employ at least one conservation officer and have better access to trained professionals. The low status of conservation officers needed to be addressed. Conservation should be recognised as integral and to the forefront of planning and there should be a comparable career and salary structure. At the moment the conservation officer’s salary was well below their level of responsibility and therefore the posts did not have either the status or the salary to facilitate recruitment or encourage more entrants into the profession. Indeed the low salary scales discouraged high quality people from remaining in the public sector. Conservation staff also needed to be at the right level to influence decision-making in the areas of both policy and planning. Proper provision of heritage and design expertise would introduce better quality assurance into the funding and regeneration process, thus helping to deliver better value for money.
154. Local authority staff needed training in the economics of development, design briefing and constructive criticism (for both architectural and urban design), mediating and people skills, project management and heritage regeneration funding in order to understand the implications of their decisions. Thus development control and conservation officers should receive training in property valuation and investment issues or have access to relevant specialists so that they can understand and appreciate property economics. They needed commercial awareness and to become enablers rather than preventers. Many considered that there was a very low knowledge of building history amongst conservation officers and thought there were skills gaps in the areas of the industrial heritage, landscape planning and garden history. It was suggested that universities and colleges should review their curriculum to address gaps such as these. The numerous conservation courses should include a design component and in-service training for graduates from other disciplines should be introduced. Lack of local knowledge could also be a problem. Lack of experience and breadth of understanding led to an inability to work constructively with all parties. Conservation officers also needed the capacity to engage with and understand ethnic communities.

155. There should be compulsory training in conservation issues for planners, architects, developers, elected members, building control, environmental health and other council officers. Building society surveyors also needed to understand that alternative approaches were necessary to historic buildings. Highway engineers needed training in urban design with an emphasis on the quality of public realm. There should be mandatory training for councillors who take planning decisions. Too many planning authorities treated conservation as an optional extra and not as an essential part of planning process.
156. There were also substantial skill gaps in the private sector. Many problems were caused by the failure of developers to appoint professional teams/agents with the necessary expertise. This failure currently led to an unacceptable level of poor quality applications. All interested stakeholders should encourage developers and owners to ensure their architects and agents have appropriate knowledge of and expertise in dealing with the historic environment, ensure additional training for architects and site operatives and use continuous professional development for an accreditation in conservation. Improvements were needed in university courses and there should be structured conservation courses rather than, as often at present, one-day modules. Professional training should also address practical conservation skills. There was a lack of ability to analyse sites and buildings and to design suitably in an historic context. Historic environment professionals could make results of academic research more widely known. The debate on sustainability should be broadened, placing the historic environment and wider sustainability issues in the core training of architects, surveyors, engineers and others. Mixed discipline teams made for a much more rounded approach leading to openness and co-operation with other bodies. Formal continuing professional development is a problem for archaeological advisors and more professional short courses were needed. There should be better education in design, architecture and built environment from primary school level onwards.
157. The gradual loss of traditional craft skills threatened the quality of the built environment. This was paralleled by similar shortages in the building trades generally. Financially assisted apprenticeship schemes and master classes in traditional methods of construction might encourage further recruitment. Local and regional builders and developers should support more local courses. Local colleges should teach old skills and built-environment techniques in traditional buildings as well as the use of natural and traditional building materials. There might be training partnerships with local universities. Promotion and elevation of the image of skilled craftsmen might also help recruitment. Authorities should encourage property developers to sponsor training in building crafts.
158. The sub-regional approach could help with training and develop career paths. These multi-disciplinary teams could deal with major projects. Authorities could also bring in volunteer expertise from environmental and conservation groups and make more of local people's role in caring for and maintaining their communities. Professional barriers between architects and conservation officers could be broken down by partnership working and more consultation and openness. The public and private sectors should be engaged in each other's perspectives. These collaborative approaches would ameliorate skills shortages and give all the professions a more positive image.
159. Authorities should raise the awareness of training courses run by organisations such as SPAB and the National Trust. EH should sponsor more courses and run in-house courses for planners. Authorities should work more closely with EH Regions from whom they could learn. Because of day to day pressures on authority resource they could promote in-post training and part-time postgraduate courses subject to professional accreditation. Authorities should encourage schemes such as RIBA's Diploma in Building Conservation and the RTPPI should focus its CPD lecture programmes towards high quality design. There could be regional conservation training centres established and operated by regional historic environment teams and university teaching departments could also be utilised, particularly those with heritage management programmes. It would be important to get a place on the National Curriculum. All local authorities should employ an Historic Environment Champion.
160. A public government commitment to heritage would put it back on agenda. Funding should be made available for continuous professional development. Government should take the lead by investing necessary resources and giving conservation its proper weight. This was because financing conservation brought a long-term gain to government. People would be drawn back to town centres and the tourist trade increases revenues. The Secretary of State should therefore take a higher profile and recognise more widely the value of the heritage and the skills required to conserve it. Government should produce high-quality information for local authorities and the community.

APPENDIX 2

SUMMARY OF RESPONSES TO THE CONSULTATION PAPER *HISTORIC ENVIRONMENT RECORDS*

In December 2000 the Government published '*The Historic Environment: A Force for our Future*', a wide-ranging policy statement setting out the Government's approach to managing the heritage of the UK with over 50 recommendations for action. One of these was to publish a consultation paper on the future of Historic Environment Records (HERs), previously known as Sites and Monuments Records (SMRs).

Sites and Monument Records contain information on a wide range of archaeological sites, monuments and landscapes of all periods. Many also contain information on historic buildings and settlements. Sites and Monuments Records are maintained and managed by local authorities as the essential core of wider historic environment services. While they were initially developed to provide advice through the planning system, they are now used extensively for sustainable management of the landscape, in education and outreach and play a key role in social, economic and environmental development, for example, through regeneration initiatives.

'*A Force for Our Future*' welcomed the enhancement of Sites and Monuments Records to make their scope more comprehensive and to facilitate access through the use of electronic media. Such expansion and improvement could include historic buildings, conservation areas, historic battlefields and historic parks and gardens. This expansion of remit brings with it an expansion of the role of the services managing those records.

This consultation sought views on the future of Sites and Monuments Records, and how we might move to developing and expanding Historic Environment Records across the country.

These services are not only crucial to delivering day-to-day planning and other professional services to the public, but are also held in very high regard by individuals. Whether these are people pursuing an interest in local history, archaeology or tracing their family history, they are hugely supportive of the Records and the staff who look after them. The volume of support for these services was made clear in the response to this consultation exercise.

The Government is currently legislating to deliver an improved and streamlined land-use planning system. A key factor in achieving this is the quality, availability and comprehensiveness of the records, which planners and archaeologists need to protect and manage the historic environment. In addition, the increasing public interest in the historic environment means that these records need to demonstrate the qualities needed for a wider sector to understand and utilise them in the most productive way for, social or educational use.

One of the government's key aims is to widen access for everyone to the historic environment and develop the resources everybody needs to enjoy and learn about our heritage. A further aim of this consultation was to work with all sectors to develop workable solutions that are flexible and responsive to both current demands and those of the future, and to make these records available to professionals, schools, colleges and the wider public alike.

In line with the commitment set out in *A Force for Our Future*, this paper was published by the Government in conjunction with Association of Local Government Archaeology Officers (ALGAO) and English Heritage (EH). It invited stakeholders and other user groups to comment on the future of the HERs, their format, as well as outlining proposals for prospective standards for these records. Although the actual decisions reflecting these records are reflected in the body of the report, below is a summary of the responses to the consultation, which are the basis for these conclusions.

USE AND AWARENESS

Q1: Are you aware of the national network of Historic Environment Records?

99% answered the question. 98% said "yes"

1. Responses confirmed that awareness of Historic Environment Records (HER)s amongst the general population seemed very limited. Many currently had little or no knowledge of HERs or understanding of how they could be used. Anything that could be done to improve awareness would be welcomed. In addition it was sometimes unclear where the local HER was held, as they could be found in a variety of institutions. This lack of knowledge was not restricted to the public as it was clear that not all those within the County Council who could benefit from the information in the HER were always fully aware of its potential.
2. Many commented that the term "national network" was a misnomer and overstating the case. There was currently only a hierarchy of databases and links were generally poorly developed. A truly national network of records needed to be broader in scope and widely accessible. Some of the individuals who responded were aware of the

existence of HERs but not of a network. The change of name was said by some to be premature in the absence of a review with all stakeholders of what a true HER should be. For instance, the point was made that current county-based records focused on archaeology and had limited coverage of the wider historic environment.

Q2: If you have used them now or in the past, why do you use HERs?

75% answered the question.

3. The main reasons given for using HERs were:

- Private and professional research (which covered site identification, distributions, indications of sources, contexts of artefacts, interpretation of local landscape, archaeological research and excavation, local historical research and much more). HERs were generally regarded as valuable for research purposes because the material was all in one place. They were an essential resource for archaeologists, archivists, students, local and national archaeological and historical organisations and the interested public. Their existence contributed to publications of general interest in the local community, educational projects for students and adult education as well as being a primary source of data for understanding the historic landscape. In addition, researchers were also contributors to HERs, feeding back their research results.
- Development control: to evaluate development impact and underpin advice on planning proposals to planning authorities, developers, site owners, managers, contractors, public utilities, external agencies (e.g. Department for the Environment, Food and Rural Affairs (Defra), The Forestry Authority, The National Trust, Ministry of Defence) on the implications of proposals for archaeology, parks and gardens, historic buildings, conservation areas. They also provided information for leisure and tourist purposes and were used to input into the various tiers of strategic, regional and local plans.
- To provide information to the public about their heritage directly and through programmes of education, interpretation and outreach. They were an invaluable educational resource for schools, colleges and universities and for lifelong learning. In addition they were considered a key source of information for all historic environment professionals.
- To raise awareness, appreciation and enjoyment of the local heritage.
- To assist management of historic environment estate through the provision of information for the management and interpretation of sites, buildings and areas. They were key to informing landscape planning. The protection of natural heritage often underpinned and supported the case for protecting historic features and vice versa. HERs data was thus used for making decisions on land use change and HERs were routinely consulted in relation to various environmental schemes such as the Woodland Grant funding streams, Energy Crops Grant Scheme etc

Q3: How do you use them – for example, do you visit the HER office or do you access the HER via the Internet?

67% answered the question.

4. The majority commented that HERs were accessed according to the nature of the enquiry and that the ability to use the internet did not necessarily mean that physical access was not also required.
5. Personal visits: were essential for viewing photographs, maps, paper files and supporting information such as archaeological fieldwork and excavation reports and articles. Often more information was gained from seeing originals and HER officers provided a much-valued personal service. There was some unhappiness where visits to HERs were by appointment only because of limited office space and/or human resource and such appointments were often at inconvenient times. Some HERs had stand-alone computers but would not allow individuals to access the data themselves.
6. Information requests: either for paper or digital reports from the database. Many used telephone inquiries which were said to be sufficient for simple, brief queries. There was an increased use of e-mail and fax. People contacted the NMR?? Should be HER primarily by letter with occasional use of the internet (e.g. IoE and Pastscape).
7. Internet: many people would like to access the internet if possible but there was much adverse comment about the completeness and accuracy of those sites which could be accessed. Many used Multimaps and Old-maps and other archival websites. HEIRNET was cited as having potential but being currently disappointing. There should be much more remote digital data exchange for projects and online consultation for casework. MAGIC has raised awareness

of the existence of improved spatial data. Options should be explored further for obtaining internet access through Heritage Lottery Fund (HLF) funding.

8. Closer links to other repositories (museums, universities and relevant archives) would be widely welcomed.
9. Authority employees used the networked local authority system.

Q4: If you do not use them yourself, what is your interest in HERs?

95% did not answer this question because nearly all respondents used HERs in some way or other, either as individuals or, as is the case with many councils, own, manage and maintain them.

10. However, a number of national bodies identified the following uses, interests and involvement in HERS:

- setting of policy and standards;
- development of guidelines on managing them;
- development of standards;
- use of HERs to deliver government objectives
- information standards developers for the heritage-sector, principally MIDAS (standard for content of monument inventories) and INSCRIPTION (a set of standard indexing tools)
- a wish to encourage HERs to widen the scope of their services to provide access and learning
- a wish to link in to HERs from web site
- a role as information broker for a number of HERS, additionally making index level data available as part of its on-line media catalogue
- the role of HERs in the promotion of research and increased public interest of the historic environment.

SCOPE

Q5: In what ways have you found the content currently available in HERs to be useful?

82% answered the question.

11. For most respondents the content and usefulness of HERs/ varied widely in breadth and quality.
12. HERs, as locally based records, were very much appreciated and said to provide much more than the national record. They were cited by many as a good basic data source for researching such things as family history and street names, village histories and parish studies. Their data contributed to community identity and education and fostered a better understanding of local culture and sense of place.
13. HERs were thought excellent by those wishing to carry out historical and archaeological research at all levels. They were an invaluable starting point. They contained, for instance, post-war unpublished archaeological records often not available elsewhere, essential summaries of current knowledge and understanding of archaeological sites, landscapes, historic buildings and settlements, all of which underpinned research. They contained additional provenance data for individual or groups of portable antiquities.
14. HERS provided a computerised index to published material and unpublished information elsewhere such as articles in journals, surveys and reports and were much used by the media for articles and programmes. They also obtained journals not available in other public archives.
15. HERs data was a good resource for tourism and leisure activities (e.g. walking), outreach and education. They answered queries from public, schools, researchers and archaeological organisations.
16. All categories of respondents cited HERs as an essential planning tool which could identify constraints or areas for future investigation prior to committing to development. They were also vital for land management and land use change management where their data informed negotiations. The best were said to have material of value for planning and development, education, landowner and community interest and tourism. In other words HERs were regarded as essential to deliver a range of services focused on achieving sustainable local management of the historic environment and determining policies for protection and preservation

17. HERs which provided on-line access to site maps or extracts of large-scale Ordnance Survey plans were cited by many as particularly helpful in that these could be used to carry out sophisticated analysis using GIS.
18. Finally, well-informed staff, versed in local research agendas and strategies, performed an important role in knowing and understanding the significance of sites and the impact of development.

Q6: If you think the content of HERs could be improved in any way, please could you suggest how?

94% answered the question.

19. It was generally felt that whilst the HERs content was good for professionals it was arcane for ordinary users. HERs could improve accessibility by having at least some elements available in non-technical language. They should recast and refine the information to reach specific communities of users. Glossaries of terms and contextual information should be provided. The nature of the record and its content should be consistent, users having the same service wherever they go.
20. HERs needed to decide whether or not they were the holders of local primary records and exactly what their relationship was with Records Offices, museums and libraries. They needed to have better links to other relevant records such as archives and museums to minimise duplication of data input, standardise terminology and ensure interoperability. They also needed improved links to other HERs.
21. In order to achieve better standards of accuracy, HERs should review and computerise where possible their backlog of unaccessed material and bring the records up to date. They should also review dates for records so it is clear when new information is added. More resource would be needed to clear significant backlogs
22. Most HERs/ needed enhancement and often whole categories of information needed to be added. Access to or incorporation of data was necessary from such areas as: historic landscape characterisation; paleo-environmental studies; ecological information; conservation areas (including local lists); coastal and maritime sites; Portable Antiquities scheme and national projects (e.g. EH National Mapping Programme; Defence of Britain Project; Historic Landscape Characterisation Project; Extensive Urban Survey). Whatever was on the NMR should be reflected in the local HER. One of the main deficiencies was said to be historic buildings and the historic built environment generally. There should be an agreed standard range of sites, buildings and landscapes and a nationally agreed thesaurus.
23. The adoption of Benchmarks Standards by all HERs was seen by most as key to the future development of HERs and the means by which standardisation in terms of content, quality and accessibility could be achieved. They were thought to be sensible and well thought out. There should be clearly stated levels of validation and a method of monitoring the standards. A number did feel that although enhancement was needed, the benchmark scheme was aiming too high.
24. HERs data should be better formatted in GIS.
25. There should be a sufficient level of commonality to enable HER data sets to be aggregated to regional and supra-regional data and thus cut across what were currently arbitrary boundaries.
26. HERs/ should be physically more accessible and user-friendly, available on the internet and elsewhere locally such as libraries. Staff resources should be increased to enable better maintenance and to ensure the records were continually updated. The level and availability of training for staff who have to manage and develop them should also be increased.

Q7: What developments need to take place to HERs to enable them to contribute most effectively to integrated land management?

80% answered the question.

27. All HERs/ needed to make full and effective use of GIS. There should be a full spatial database approach where topology and historical development formed an integral part of the data set. Many felt that HERs should form the front end to a variety of environmental databases (soil survey, hedge survey, geological survey, Ordnance Survey, satellite, LIDAR). At the very least there should be an improvement of data exchange and consultation arrangements between HERs/ and related organisations and records.

28. The location, boundaries or extent of sites should be accurately plotted at a usable scale. The data should be held in a format suitable for a fully spatial-enabled GIS based on the latest Ordnance Survey mapping. Not only Historic Landscape Characterisation and Extensive Urban Surveys but national key sources, such as early Ordnance Survey maps and aerial photographs, should be available digitally at local level.
29. There should be improved links to environmental/biological datasets (cf. National Biodiversity Network) as closer working would provide a better product. There should also be more detailed research and recording of historic landscape character. HERs are needed to be brought up to agreed standards to enable them to contribute the depth and breadth of information necessary for integrated land management.
30. There should be a statutory requirement for land managers/ planners to consult HERs on all development applications. In addition there should be agreed protocols in agri-environment schemes for consultation of HERs and they should include adequate consultation periods. Defra should ensure that farms and other discrete holdings had environmental management plans which covered historic environment interests. Demands on HERs resources would increase considerably through the entry level agri-environment schemes and whole farm audit and planning.
31. In addition, farmers and land managers are needed to be made aware of the range of information held by HERs. There was, therefore, a major challenge to provide simple and accessible information to these relevant groups. It was felt that there should be easier local access and more effective communications, consultation and partnership working between all agencies involved. This would require an adequate level of staffing.
32. There should be greater investment in fundamental research designed to enhance and expand existing records, which must be holistic in their approach and less archaeology-orientated. More countryside advisor posts were needed to champion actively integrated land management schemes.

USER SERVICES AND ACCESS

Q8: How do you currently access the information in HERs?

55% answered the question. Those who did not answer were divided between referral to Q3 or those who said that as service providers the question was not applicable to them.

33. Many accessed HERs by personal visit, either by pre-arranged appointment because that was all that was on offer or because, for many, there were advantages to examining certain types of records in person especially where the enquiries could be mediated by professional staff.
34. Some HERs required a written request for information. Many therefore dealt with their HER by post. Also common was contacting the records officer by telephone, fax and, increasingly, e-mail. Photocopies of archive records and other materials were returned by post.
35. Local authority users could access HERS via local authority networked systems. Some HERs had a stand-alone PC with computerised database and mapping and where material could be accessed by CD-ROM.
36. Most people wanted access via the internet where this was possible, desirable and adequate.

Q9: How would you like this information to be delivered and where?

86% answered the question.

37. Many commented that the answer depended almost entirely on the user group. All the different user groups (such as: academics; professional consultants and contractors; general public; schools; lifelong learners; land managers; property owners and planners) had different needs and required varying levels of interpretation and detail.
38. The data should be available by personal visit as well as via the internet. There would always be a continuing need for access to hard copies especially when examining more detailed information. Not all information could be meaningfully digitised and therefore any digital archive would need to continue to be supported at local level by an indexed and comprehensive hard copy archive. Professional staff would be required at the shop front to provide skilled interpretation for the general public

39. When looking at personal access HERs needed to be aware of the access abilities of current and potential audiences and in particular the implications and requirements of the Disability Discrimination Act. For instance, sufficient office space was needed within a fully accessible place with an appropriate range of visitor facilities.
40. HERs should be provided at local level where possible, accessible to local communities. Larger HERs, often at county level, could be too remote. Records should therefore be available at local authority offices, libraries, museums and on terminals in schools. Local services are absolutely vital to ensure better emphasis on what is locally significant as well as for easy accessibility.
41. Simplified GIS should be accessible from any computer via the internet. There should be a single UK web portal for all HERs and more widely available regional web sites with HER search. There was a route already through MAGIC internet portal. It was important to achieve full coverage of digital access with core information available through national and regional portals which could then be accessed through libraries and schools. It was felt that many students/researchers would prefer the information on-line via a limited number of gateways or portals with a high level of functionality and easy to use. As much as possible of the information should be digitised and be spatially referenced where appropriate.

Q10: How could the service be improved?

89% answered the question.

42. HERs should be made statutory with secure funding identified via the SSA. Resources need to be made available for updating, maintenance, management and development and the adequate training of staff.
43. As a developing resource that needed continuing enhancement and improvement, all HERs need to achieve Stage 1 of Benchmark process and professional accreditation. A form of internal and external validation needed to be developed. There should be internet access for all, with links across county boundaries and to other databases.
44. There was support for an assessment of user needs in order to identify and respond to their requirements.
45. There should be an increase in resources and opportunities for the training and development of staff which would lead to better curation of traditional archives. The depth and consistency of recording needed improving, as did the validation of archaeological records. The backlogs needed eliminating.
46. HERs must become customer-focused. There should be improved access, both physical and electronic. There should be better front of house facilities for public enquiries in terms of space, better and longer opening hours and the speed of response to search enquiries and consultations. HERs should provide more terminals in their office.
47. There should be better marketing and wider publication of the service, for instance local or regional guides.
48. There was majority support for recasting the information so that it could be used and understood by a non-specialist audience. HERs should increase their outreach activities and community involvement to reach new audiences and create better links to other sources of information (e.g. buildings database; libraries; Records Office).
49. There should be improved liaison between HERs and NMR and clarification of the relationship between the two systems in the medium and long term.

Q11: How could HER information best be developed to be most useful in education at all levels?

85% answered the question.

50. Many supported the need for a survey of audience views. HERs should consult with educators (school, college, university and media-based) and students (the consumers) from primary level through to lifelong learning. In partnership with education providers HERs needed to identify where the historic environment could best contribute to the national curriculum and LEAs needed to be made more aware of the nature and content of HERs and their potential. Their potential and current use by universities (not just Archaeology Departments – but those related to land use planning, environmental and conservation management etc) should be reviewed.
51. There was enormous potential for growth within formal education and in the wider leisure and tourism industries but HERs rarely had the skills or the knowledge to do this. They should either work together with educational professionals or employ dedicated education officers to:

- facilitate outreach
- liaise with teachers and education services
- develop local projects in conjunction with schools and colleges
- participate more actively in existing educational networks
- develop the 'grey' literature into useful mediated information
- aim HER products at specific audiences e.g. different educational levels.

Museums were also well placed to assist HERs developing as educational tools.

52. HERs information should be packaged for easy use for curriculum-based teaching activities at all levels. CDs could be made available for school or museums/archives use. Schools needed readily available synthesis and interpretation and user-friendly presentation. Higher education students had different needs again and there could be custom-built outreach programmes for general interest/lifelong learners. Packages could be developed nationally with individualised input at local level. It was suggested that the Department for Education and Skills (DfES) and the Department for Culture, Media and Sport (DCMS) could take the lead. HERs could, for instance, be linked on-line to the National Grid for Learning.

53. A digital resource could provide different levels of search criteria and complexity to be used by various user groups with differing requirements. GIS would allow students to manipulate data and non-professionals could have access through GIS browser technology. User-friendly front-end modules and web-based materials could be provided for teachers.

OUTREACH

Q12: How should HERs publicise themselves?

77% answered the question.

54. HERs could publicise themselves through links to other heritage web sites as well as those of schools, local societies, community groups, local authorities, universities, museums and tourist offices. They could do this via web portals (HEIRPORT), registers (HEIRNET) and information brokers (ADS).

55. HERs should ensure their environment is user-friendly and open at weekends and/or evenings. There should be dedicated terminals in library or Council offices, local press and radio libraries, tourism outlets, museums, records offices, education institutions and lifelong learning centres.

56. HERs should liaise with the local press and radio to encourage articles and programmes. They should ensure well-distributed leaflets, displayed in appropriate buildings or issue a newsletter with wide local distribution. They could have displays at local events such as village shows. Possibly they could get articles in special interest magazines and broadsheet newspapers. HERs could provide open days to explain the use of system, lead regular guided visits to specific local sites to foster interest and give regular talks to or take roadshows and exhibitions round local groups, schools, colleges and societies. They could become more involved in community projects and integrate into wider community information programmes. They could present at or participate in local heritage events such as Heritage Days and National Archaeology Days.

57. HERs could set up and lead regional professional groups and run regular training sessions within the host authority, another audience for their publicity.

58. Many commented that any extra publicity must be matched by the ability to deal with increased usage/demand. HERs should publicise clearly their priorities and should not over-reach themselves.

Q13: What programmes should HERs develop to reach previously excluded groups?

74% answered the question.

59. HERs needed to research and identify their users/potential users to identify social groups best represented and those under-represented. There should be an exercise to explore what constituted an "excluded" group (lists of commonly excluded groups were often drawn up by local authorities) and perhaps draw on the advice and experience of experts such as social inclusion specialists, disability groups and the Black Environment Network. They would then be in a position to develop related information packs and strategies to reach those groups.

60. HERs should raise awareness, appreciation and enjoyment of the historic environment by providing for example open days, "road shows" or field trips, or become more involved in local community projects. HERs needed to ensure that different perspectives of the historic environment, such as the activities of local communities past and present, monuments that bore witness to the development of religious or ethnic identity, area traditions and cultures, were included in any material produced for use by schools, local communities and faith groups. They could establish direct links with DACs and other faith group committees. HERs could make it an interactive resource with local interests feeding into HER. All this could be developed in conjunction with local heritage centres, museums and archives centres.
61. Where possible the best use should be made of the internet.
62. Additional resource would be needed for most HERs to embark on programmes like these. For instance, staff trained to understand the needs of under-represented groups and the employment of outreach officers to demonstrate and publicise accessibility.
63. A few respondents maintained that positive discrimination of this type should not be necessary and that such outreach work was not a core function of HERs.

Q14: What should HERs do to reach out to socially excluded/special interest groups?

Only 30% of respondents answered the question. Most referred back to Q13.

64. HERs should first find out what special groups wanted through sample surveys of non-users and/or analysis of socially included class requirements. This would ensure they were responding to real needs rather than perceived needs.
65. HERs should make themselves more accessible by opening in the evenings and on weekends. They should ensure that their environment was user-friendly to those with special needs. They could also work more closely with libraries and museums who served a wide cross-section of the community. They could make contact with groups through existing initiatives and get properly networked into local community groups. They needed to involve themselves in active and persistent outreach and education.
66. One option might be to use web-based and traditional promotional packages to emphasise aspects which might interest such groups.
67. More resource would be required to employ outreach officers and train their staff to engage.

INFORMATION MANAGEMENT

Q15: Do you consider that the enclosed benchmark standards represent an appropriate and sustainable way forward for HERs?

85% answered the question. Of those, 94% answered "yes".

68. The majority considered that the standards were thorough and comprehensive; benchmarks for good practice. They were largely seen as essential as aspirational targets and crucial in order to develop a standard approach. They would help encourage consistency, good practice and interoperability and aid public access to information via the internet by enabling local authorities to work together through a commonality of approach. They provided scope for partnership arrangements between HERs and to enable areas and regions to work together. The MIDAS standard was thought to be outdated and unhelpful.
69. The standards would be sustainable if they were implemented and maintained by core local funding. But, unless funding was provided, many felt it unlikely that significant progress would be made towards achieving even Stage 1. The higher level was considered to require huge resource input to achieve and was therefore thought to be unrealistic for most. To ensure sustainability and resource HERs should be made statutory with clear objectives.
70. Whilst Stage 1 was both essential and achievable for most there was concern that current backlogs might cause difficulties.
71. Consideration should be given to determining both the validation process and the validating organisation to monitor the implementation of these benchmark standards. It was felt that local authorities generally would

welcome accreditation as recognition of achievement in providing an historic environment service and the benefits of a HER. The standards would need to be kept under regular review to ensure continued operability and compatibility.

72. Some felt the standards should put more emphasis on the quality of the data and the importance of providing professional advice/interpretation from local curatorial archaeologists.

Q16: Do you consider that there are additional ways in which Government can help support the sustainable development of HERs?

91% answered the question. All of them said "yes".

73. The majority response, consistently repeated across the categories of respondents, articulated the need for central government to give adequate and dedicated resource to local authorities, resource which was ring-fenced and targeted. The preferred method was for HERs to be made statutory with resource provision identified via the SSA. Extra funding should enable progress to at least Stage 1. There needed to be clarity over funding in two-tier authorities (HERs normally at county level, development control at district).
74. At the same time authorities should ensure that HERs came within the competitive performance assessments of local government services. A secondary funding stream would be possible through Service Level Agreements (SLAs) for provision of information services. Government should also redirect finance to a system of linked local HERs rather than the less comprehensive but competing NMR.
75. Government should introduce national standard software applications for on-line HERs and provide support for the development of standards and technologies at national level.
76. All government bodies should take HERs more seriously and recognise the worth of their data and that they are on a par with both museums and libraries. DCMS and Office of the Deputy Prime Minister (should raise the HERs profile and thereby increase their use by other government departments. For instance there was a potential role for DfES in changing the national curriculum and influencing the content of higher education syllabuses and an opportunity for Defra to engage over land-use schemes. Appropriate references to HERs in planning legislation and advice would also confirm their importance and guidance should be issued to local authorities on the nature and scope of services which should be provided.

ORGANISATIONAL MANAGEMENT

Q17: How might HERs provide information in a form which can be collated at regional level while retaining responsiveness and accommodating change at local level?

81% answered the question.

77. The question provoked a lot of strong feeling against regionalisation. Most believed that the regional level was too remote and insufficiently responsive to provide a local service. People did not relate historically or emotionally to artificial, enforced regions and that regionalisation would reduce the value of HERs. Information should be held close to the local communities it primarily concerns. There was little or no need for a regional level which would give greater cost and inconvenience to users. In any event, given compatibility and internet access the question was irrelevant since increased use of IT negated any need for them. The two main levels were national and local.
78. Many felt that county management was essential for liaison and consultation within a region. It was sufficient for most research purposes and related to the requirements for local historical research. At county level there was a critical mass but at local level there was better access to the community. HERs were therefore best maintained at sub-regional or local level although the latter case would require partnership working to establish a critical mass. Much was not yet digitised and users would continue to need physical access. It would be more practical to direct funds to developing a system of digital cross-referencing. Several made links to the proposals for sub-regional groupings in the Review of Heritage Protection consultation document.
79. Regions should be restricted to portals providing links between HERs. Provision of regional or national portals would allow easy access to HER data without the need to establish costly regional data centres (cf. ADS/HEIRNET). However regional level collation should not subsume primary information collection and mediation at local level. At each level the quality of information provided should be controlled through national standards. The development of common standards and of digital information exchange would facilitate this.

Q18: Should local authorities be required to maintain HERs and to a particular standard?

91% answered the question. All answered "yes".

80. The majority believed that an HER should be considered an essential community and environmental resource which should be properly funded and managed by qualified staff. Every respondent stressed that there should be a statutory requirement on local authorities to either maintain and manage or use a HERs. Most authorities already provided some funding for a /HERs.
81. Most respondents also believed that HERs should be managed and maintained at a sub-regional, usually county, level. Other levels such as districts might maintain them depending on local circumstances, resources and abilities or could pool resources with their neighbours to produce a critical mass. Local authorities were the appropriate level because they were keyed into local communities, developed the local strategies, Community Plans and LDPs and had good links through to national government. They were also the main users of the HERs service and possessed a range of links to other related services such as planning and development control, museums, archives and education.
82. HERs should be maintained to the 2nd benchmark standard. National standards manned and financed on a national basis were essential and the Benchmarking document was a good first step. HERs should have clear Performance Indicators and regular reviews. Local authorities needed adequate funding from government to ensure minimum standards.

Q19: What sources of funding would be most suitable to help maintain and develop HERs and why?

87% answered the question.

Central and local government funding

83. Given that HERs were a legacy for future generations the funding should come from general taxation. There needed to be a partnership between local authorities and central government whereby HERs were made statutory and funded via the SSA. Not just DCMS, but also ODPM, DfES and other of their agencies who benefit might contribute in through other schemes (e.g. DEFRA and the agri-environment scheme) to enhance the level of data held in their areas. Extra sustainable resources would be needed to enable them to deliver Stage 1 of the benchmarking standards.

Charging

84. Fees could be obtained through local charging policies for searches related to commercial development as well as charging for specific aspects of the advisory/interpretation services. HERs then could be funded by users of the data (such as: archaeological consultants; developers; building contractors; DEFRA; Forestry Commission; Environment Agency; Highways Agency; Countryside Agency; Defence Estates although a greater contribution should come from development industry as a major user. Commercial firms could be encouraged to sponsor and support heritage activities as part of Corporate Social Responsibility.

Grants

85. HERs could be funded through grant sources such as EH (via e.g. Aggregates Levy Sustainability Fund), European Union, Defra and HLF (Heritage Grant schemes for outreach projects) for specific initiatives. EH could continue to pump prime posts. Other funding initiatives such as Invest to Save (the Treasury) could be useful.
86. Access to e-govt money would be welcome. There may also be opportunities for funding through education and museum-funding streams for particular work as well as the possibility of donations from interested bodies such as the National Trust.
87. Finally, HERs could also take a commercial approach to publications.