

Enterprise and Regulatory Reform Act 2013 – Changing heritage protection in England

Purpose of the Report

To inform members of the new changes which have been enacted by Parliament by the Enterprise and Regulatory Reform Bill which affect the way we protect heritage in England.

Recommendations

- 1. That the reforms are noted.**

1.0 Background

- 1.1 Some of these changes have been proposed through former heritage protection reforms discussed a number of years ago. Others are more recent and stem from a public consultation on heritage reform last year in 2012.
- 1.2 The package of reforms is aimed at deregulation and promoting growth.

2.0 Purpose of the reforms

- 2.1 A key purpose of the reforms is to reduce uncertainty and risk in the management of listed buildings. The reforms are supposed to be complimentary with one another and it is proposed that the increased likelihood of certainty will improve the current system and lead to quicker timescales and reduction in unnecessary Listed Building Consents. The reforms are seen as improving the system without reducing the necessary protection to preserve the historic environment.

3.0 Heritage Reforms

- 3.1 In summary the key changes to the reforms are:
 - The removal of separate requirement to apply for Conservation Area Consent for the demolition of unlisted buildings in Conservation Areas, which will now be covered by the granting of planning permission. The former offence which applied to non application for such work will be replaced by a similar crime by failing to apply for planning permission.
 - Statutory Heritage Partnership Agreements (HPAs) for listed buildings which can grant prior approval Listed Building Consent for specific agreed works
 - The introduction of Certificates of Immunity from listing to be sought at any time without the need for a concurrent planning application, which is the way the current system works.
 - Listing entries on the national heritage list can be more specific about what a building's features of significance are and can specify which part of a building does not have special interest if that is the case. These can be either parts of the building, buildings attached or within the curtilage of the main listed building. This will provide some clarification on application for curtilage and attached buildings.

- Introduction of Certificates of Lawfulness of Works to listed buildings for proposed works providing local planning authorities with mechanism to say that LBC is not required enabling an owner to have clarification of whether works needs LBC or not. These will last for 10 years.
- Introduction of local and national class consents granting LBC automatically without the need for separate LBC, for certain categories of work or buildings. This new tool to reduce the number of LBC application which have positive or neutral effect on a heritage asset. Set up by LPA's, the local consent orders are aimed at areas which are relatively uniform in character but more importantly where the special interest is understood and informed. Nationally similar consents are being aimed at works which might apply to more than one LPA or are nationally applied, for example works undertaken by the Canals and Rivers Trust who have a large number of assets.

4.0 Next Steps

4.1 It is expected that by the summer changes relating to List Descriptions and Certificates of Immunity will come into force.

4.2 English Heritage sees itself as playing a pivotal role in elements of the reforms and will work with the relevant government departments to develop secondary legislation. It will also run training events later in the Autumn.

5.0 Legal and Statutory Implications

5.1 Secondary legislation is required by government for the other proposals through statutory instruments which will put in place details of how the new mechanisms for heritage management will operate. These will be consulted on this year before being finalised.

6.0 Background

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