

**Department for Business Innovation and Skills announcement on  
implementation of the Penfold Review  
Note for the Historic Environment Forum**

**29 November, 2011**

**Proposals**

Yesterday the Government announced that subject to Parliamentary time they would introduce legislation to:

1. enable the extent of a listed building's special interest to be legally defined;
2. enable developers to seek a Certificate of Immunity from designation or listing at any time;
3. allow owners of listed buildings and local authorities to enter into Statutory Management Agreements;
4. remove the requirement for Conservation Area Consent when demolishing unlisted buildings and integrate it into Planning Permission.

During 2012 Government will also consult on:

5. introducing a system of prior-approval for specified types or works to listed buildings;
6. allowing certification of applications for Listed Building Consent by accredited independent agents;
7. legally defining circumstances in which minimum compensation should be payable when listed buildings are subject to compulsory purchase.

Government is working with English Heritage to:

8. agree a prioritisation programme to update the list entries of listed buildings;
9. ensure EH has a remit to promote sustainable development (upon finalisation of the NPPF, expected at the end of this financial year)

We believe that the Government proposal to determine the majority of development consent applications in a maximum of 13 weeks will apply to Scheduled Monument Consent.

**English Heritage response**

English Heritage welcomes the Government's indication that they would like to bring forward legislative reforms to the heritage protection system to operate more efficiently. Much work has already been undertaken, including as part of the draft Heritage Protection Bill.

English Heritage will continue to work with government to develop the proposals to ensure they deliver a more effective system without compromising the level of protection for the historic environment.

English Heritage supports the integration of Conservation Area Consent into Planning Permission. The simplification will create a more straightforward system and, subject to some important safeguards, will not reduce protection for the historic environment in practice if the change is properly legislated for.

English Heritage supports the proposal to have a duty to promote sustainable development, subject to a satisfactory definition within the National Planning Policy framework. Heritage and development are not in conflict. Heritage can help the UK economy grow faster. It makes a big contribution to existing economic activity and is not a barrier to growth. This is a message English Heritage already promotes through our *Constructive Conservation* publications and our approach to individual cases where we aim to support long terms sustainable solutions.

English Heritage will be working with Government and stakeholders to explore how innovative approaches to managing change such as prior approval and deemed consent can deliver growth without compromising heritage protection. Making the system clearer and quicker would cut delays to developments, free up local authority resources and be more efficient and certain for owners and developers. While there are, of course, some heritage sites that are so sensitive that they can only accommodate a very limited degree of change, the vast majority of sites have great potential to contribute to growth.