



BIRCHAM DYSON BELL

HTF ANNUAL CONFERENCE NOVEMBER 2012

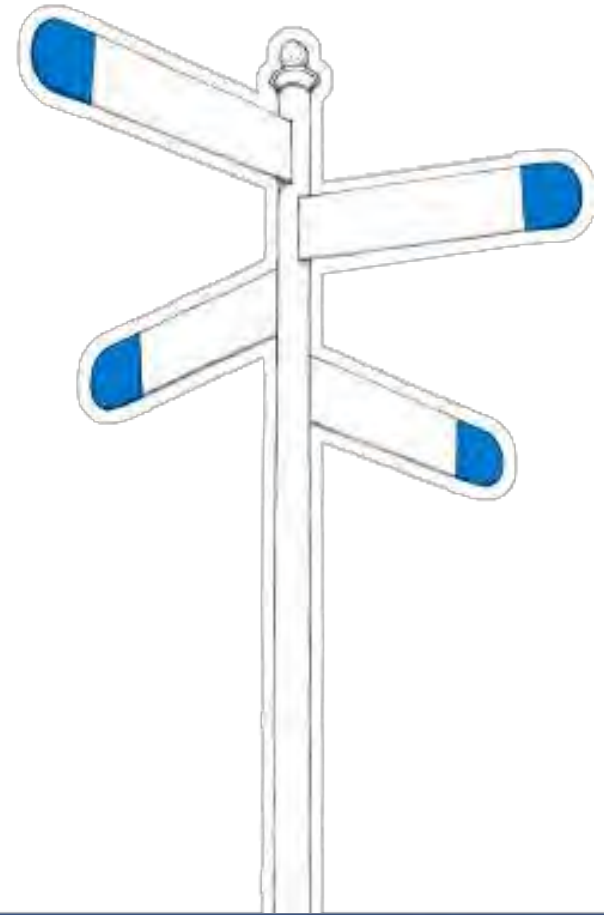
Heritage Law and Policy - Update

Mark Challis

9 November 2012

# INTRODUCTION

- Policy and Guidance
- Enterprise and Regulatory Reform Bill
- Demolition
- Recent Cases
- Financial



## LISTED BUILDINGS (1)

- Scope of listing
- Address on list not determinative (*Ashford MBC v Barratt*)
- Court declaration generally a last resort (*Chambers v Guildford BC*)



## LISTED BUILDINGS (2)

- Heritage Partnership Agreements
- Class Consents – local and national
- Certificates of Immunity
- Certificates of Lawfulness

## CONSERVATION AREAS

- Conservation area consent (1987-2013)
- CAC lives on in Wales
- Improper use of CA designation – *Metro Construction v Barrett (2009)*



# NOT IN THE ENTERPRISE AND REGULATORY REFORM BILL

- Prior Notification System – Dropped
- Accredited Agents – Parked
- Heritage at Risk Provisions - Parked



## POLICY AND GUIDANCE

- Chapter 12 of NPPF (3 pages)
- PPS5 cancelled (after just 2 years)
- PPS5 'living' guide, lives on – for now



## TAYLOR REVIEW 2012 – TERMS OF REFERENCE

- The scope and form of practice guidance that should be provided in future by Government to support effective planning
- What new or updated practice guidance should be published, with clear priorities and
- What guidance should be cancelled



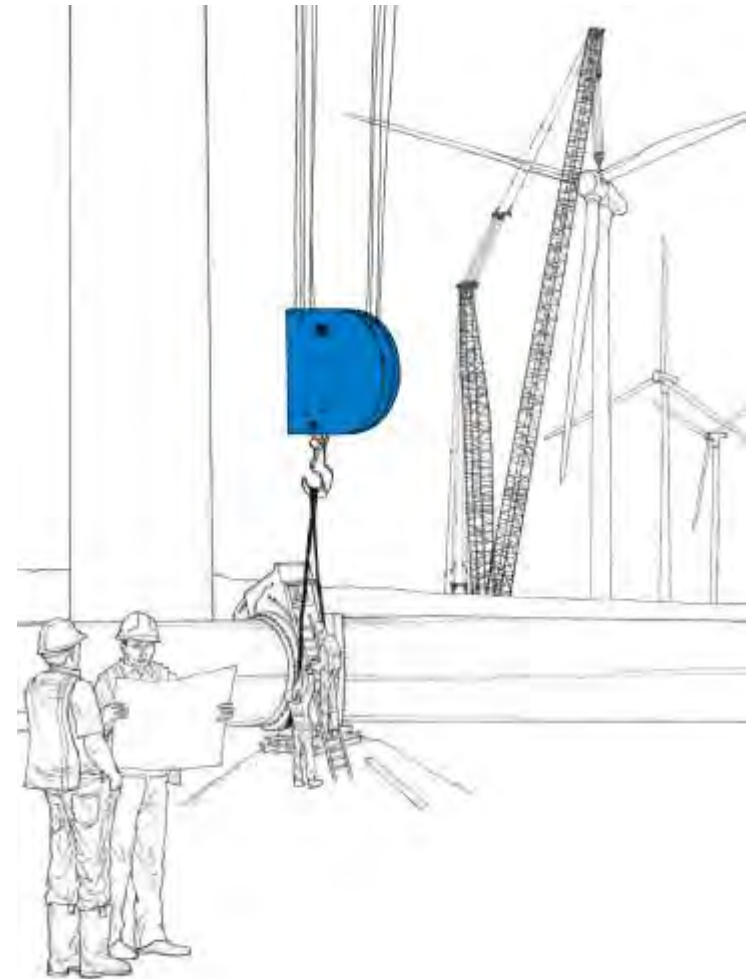
# ENGLISH HERITAGE – RECENT GUIDANCE

- Enabling Development (2008)
- The Setting of Heritage Assets (2011)
- Seeing the History in the View (2011)
- Stopping the Rot (2012)



# DEMOLITION

- Save Britain's Heritage v SSCLG (2011)
- 1995 Demolition Directive mostly unlawful ... so
- Increased use of Part 31 PD Rights
- New provisions in due course?
- Relationship with EIA



# FINANCIAL

- Proceeds of Crime Act 2002
- VAT exemption withdrawn
  - Finance Act 2012





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Thank you