

Heritage Protection Bill

English Historic Towns Forum Lichfield Conference October 2008

Speech outline

Harry Reeves, Deputy Director (Culture), Department of Culture, Media & Sport

Heritage Protection Bill has been a long time coming.

Has allowed for lots of consultation. Bill has strong support from historic environment sector.

But there are opponents.

Some say there's not much wrong with the present system. It's not perfect, but does the job reasonably well.

There is some truth in that. Our system is envied by many in other countries. On the whole it stops bad things from happening to historic environment and flexible enough to allow desirable development.

There's always controversy. That is inevitable whatever system you have in place because system has to make a decision in the between of interests that are impossible to reconcile. We are often accused of standing in the way of development that is necessary to create an environment fit for the 21st century. We are equally often accused of being too willing to compromise, to allow development at the expense of the historic environment. We're often accused of both at the same time. But on the whole I think the current system works well.

There are some who say we're tackling the wrong problem. The issue we should be tackling is the amount of resources available to operate the system, not the design of the system itself.

We would like to see more resources in the system, no question and the sector is right to continue to press for that. And we do need to see more people being trained and choosing careers in conservation. But I'd make 3 points.

First, the system is not in crisis or at the point of breaking down. For example, it deals effectively with 32,000 Listed Building consents a year.

Second, you have to be realistic about the public funding situation. We are required to and we will fund the additional burdens that the new system creates. We are currently revising our estimates with EH and LGA.

Thirdly I think we can make the system better even given the resource constraints we face. The improvements we can bring about more than justify the effort that has gone into creating this Bill.

What do we aim to achieve?

Simplicity. Single designation, single consent, single list of all protected assets.

Transparency. Better explanation of the system. More openness – consultation – interim protection – better explanation of the reasons why individual assets are designated, and of the specific obligations and requirements designation creates so that owners and managers know where they stand.

Accountability. Designation passed to EH. Does that diminish accountability? No. It makes the system more objective. And there will be a right of appeal to the Secretary of State.

Greater flexibility. We will make it easier to apply for COIs. And build on the excellent work of Eh and others in piloting Heritage Partnership Agreements.

Greater public understanding and support. System only sustainable if we can get that outcome.

Where we stand now. The Bill is at an advanced stage of drafting (though not quite 100% complete). It was included in the Green Paper on the legislative programme back in April. It has been through pre-legislative scrutiny by the CMS Select Committee. Our response to their report due to be published next week.

Next and decisive milestone Queen's Speech – beginning of December. Not finalised and we shouldn't count chickens, but we're ready to go early in the session and that puts us in a good position. And we are of course thinking about how we would maintain momentum on heritage protection reform should the Bill not be found time in the 2008-09 legislative programme.

This legislation and the specific reforms to the system are important but can't be the whole story.

We do not have the option of creating hard and fast rules for the protection of most of our heritage. A few – a very few – buildings and sites are to all intents and purposes inviolable. That's why under the present system we have and will continue to have grade 1 listing and the Scheduled Ancient Monument designation.

But for most listed buildings in particular the regime ensures that the cultural value is an important consideration in decisions that affect its future. And that means the exercise of judgement. It means weighing the architectural and/or historic value against economic, social and other relevant considerations.

Legislation and supporting guidance can create a framework for those discussions. But we can't through legislation determine what relative weight will be given to the various considerations. We can and we do say that the historic environment is important, that it gives people a sense of their history, their identity, a sense of belonging and civic pride.

But it's also important to create jobs, decent places for people to live work, a social infrastructure that's fit for purpose, and a better quality of environment all around. We have to make judgements that balance those considerations with historic environment conservation whatever the legislative framework.

The Government hopes that the introduction of this legislation will generate a debate about these wider issues, and lead to new thinking about the importance of the historic environment.

And our historic towns are in a unique position to press that debate where it really matters, with people who make some of the most important decisions that determine the future shape and feel of the places where we live.

New thinking should challenge those who see conservation as being necessarily in conflict with those – what I might call – “modernisation” objectives. It's not difficult to find examples of heritage playing a prominent role – indeed a leading role – in economic and social regeneration throughout the length and breadth of this country. In the last few weeks I've seen some great projects: in towns like Durham, York and Norwich Castlefields in Manchester and some great developments in the centre of Bristol. We are replete with evidence that our heritage is an economic and social as well as a cultural asset.

If there's anyone around these days whose default position is “pull it all down and start afresh”, I suggest they need to look around and think again.

Occasionally I'm told it all comes down to economics, that pull it down and start again is the cheapest option. Well, I strongly question that. I suspect it's a matter of where you start and finish

counting costs. For instance, in this day and age do we take enough account of embodied energy? A former Head of Conservation at EH wrote in 2002 that the energy taken to produce eight house bricks is equivalent to a barrel of oil. I don't know whether that's an exaggeration. But he goes on to say "We need a mindset where we think carefully before we knock things down and don't always blame the buildings for the problems." And that I certainly agree with.

In my view the simple economics of demolition versus conservation and adaptation needs a serious re-examination. And that's before you even try to factor in an estimation of the value of our cultural legacy.

Now I don't deny that modernity and creativity have a value too – I wouldn't begin to pretend that only old things have cultural value. But I do think we need to examine the arguments carefully and strike a better balance.

The Heritage Protection Bill will help in that. It will make the system simpler and easier to understand, it will make it more efficient, it will give greater emphasis to local decision making, and it will open up the system to wider participation and greater scrutiny. I hope the very fact that Bill is out there will help to stimulate debate on fundamental issues about how we manage our built environment.

My Department wants to play a full part in that debate. But it needs wide participation. It's important that built environment professionals, enthusiasts and experts in voluntary organisations, developers, national bodies statutory and non-statutory all take part. And I think those of you who run and promote and defend our historic towns are uniquely placed to stimulate debate amongst those key decision makers whose primary concerns lie elsewhere.

And I'm sure today's conference will contribute to the debate. Thank you.