

Partial Regulatory Impact Assessment

1. Title of proposal

Publication of 'The Ecclesiastical Exemption- the Way Forward', proposing changes to the management of listed church buildings in England.

Setting up a small number of pilot projects to test the reforms proposed in the Way Forward document.

2. Purpose and intended effect

Objective

The Government is reviewing the systems in place for the protection of all historic building and sites (the Heritage Protection Review (HPR)). The aims of the Review are to simplify the current systems of heritage protection, and introduce greater degrees of openness, flexibility and rigour.

Simplifying: The protection systems are complex. New protections have been added in a piecemeal fashion. Few people have a grasp of all parts of the legislation. There are overlaps. Unsurprisingly there are inconsistencies in interpretation. Where there are complex sites, such as a large military establishment, every structure on the site has to be laboriously listed or scheduled individually.

Openness: Processes are often inaccessible. The reasons for listing a particular building are not made clear. There is little encouragement to owners to feel involved.

Flexibility: Restrictions are placed on owners of protected assets which sometimes serve to alienate them rather than to engage their enthusiasm for looking after their properties. Opportunities for positive dialogue and good planning can be lost. There are lessons from the management of the natural environment and advances in thinking about land use planning and community involvement which have not fully fed through into heritage protection.

Rigour: In 1970 there were some 90,000 listed buildings and scheduled monuments. There are now about half a million. This is a rich inheritance but a huge stock to manage. Looking ahead we know that only some 3% of the total of listed buildings are from the twentieth century yet about 80% of the nation's stock is post 1900. The system must be robust enough to conserve the best and to continue to take on board changes in what people value without devaluing the currency.

A large proportion of England's listed buildings are in church ownership. This partial RIA concerns only the proposals under the HPR that relate to listed churches. Other RIAs have been produced in relation to the wider Review.

A public consultation on the future protection of listed church buildings took place from February to May 2004. This partial RIA covers the publication of the results of this consultation.

This partial RIA concerns also the establishment of pilot studies to test out proposals for reform of systems of protection of historic assets as they apply to listed churches.

Background

The major Christian denominations in England are exempt from Listed Building and Conservation Area Controls in respect of changes to their listed places of worship. The justification for this exemption is that the denominations are able to demonstrate sufficiently robust internal systems to ensure the protection of their historic assets.

The Government is reviewing the systems in place for the protection of all historic building and sites in England (the Heritage Protection Review (HPR)). A large proportion of England's listed buildings are in church ownership.

Under the Heritage Protection Review reforms, it is intended that there will be a single unified "Register of Historic Sites and Buildings of England". It will bring together the current regimes of listing (buildings), scheduling (ancient monuments) and registration (historic parks and gardens) and incorporate World Heritage Sites and ecclesiastical sites and buildings. 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.

Linked to this new system of designation, the HPR will introduce a single heritage consent for designated sites, unifying the current systems of Listed Building Consent and Scheduled Monument Consent.

Owners and managers of complex sites (with a mix of designations) or of groups of similar sites will be offered the opportunity to enter into a statutory management agreement, as an alternative management regime. These agreements are provisionally called Heritage Protection Partnership Agreements (HPPAs).

HPPAs will allow for a strategic view to be taken concerning the future management and development of a site, building in pre-agreement to certain types of works or development, along pre-agreed lines, that might previously have required applications for consent under the different current regimes. Denominations currently exempt from listed building controls will be able to negotiate such agreements, as will denominations which are not currently exempt.

An HPPA would be negotiated between a denomination at a level appropriate to its specific current internal systems, English Heritage on behalf of the Government, and representatives of the relevant local authorities. Consultation with the National Amenity Societies should also be appropriate.

The HPPA would offer to churches the benefits of greater clarity about what is considered important about a site, the opportunity to develop a more strategic

and holistic plan for the management of a site or sites, and a reduced administrative burden because of the reduction in the potential number of separate applications for permissions.

It is envisaged that an HPPA would include:

- A comprehensive designation of the whole site;
- Summaries of importance, which will define those parts of sites which are of historical, architectural or archaeological importance. This will help to clarify which parts of a site could potentially be altered or developed;
- A future strategic management plan and vision for the whole site as a single entity. This would include repairs identified during quinquennial inspections, and any other planned changes, including those designed to facilitate greater community use of churches;
- A schedule of items that will not need consent;
- A schedule of works for which prior consent has been granted, as long as works are progressed under pre-agreed conditions; and
- A set of any pre-agreed conditions under which works can be progressed.

3. Consultation

Within Government

The proposals concern listed churches in England only, the preservation of historic assets not being a devolved matter. However, consultation has taken place with the devolved administrations as separate reviews of the Ecclesiastical Exemption have been taking place in Scotland and Wales.

The Office of the Deputy Prime Minister, which has responsibility for planning matters, is represented on the HPR Steering Committee. There is also a representative from a local authority on the Committee.

Public consultation

A public consultation on the future of the Ecclesiastical Exemption took place from February to March 2004. There were 150 respondents.

Following this public consultation, officials have consulted representatives of the major denominations in England and of the National Amenity Societies. The HPR Steering Committee includes representatives of the National Amenity Societies and of the Church of England.

4. Options

Option	Benefits	Risks (level of risk)
<p>1 Do nothing</p>	<p>Status quo maintained. No resource implications. Denominations unlikely to object.</p>	<p>Problems associated with current systems will pertain. (High) Ministerial commitments will not be delivered. (High) Results of public consultation will not be published. (High)</p>
<p>2 Proceed to full roll-out with no pilot phase.</p>	<p>Speedier implementation of proposals and fulfilment of Ministerial commitments.</p>	<p>Insufficient data on practical implications, benefits and costs of proposals. (High) Proposals may prove to be unworkable (Low). Inconsistency with main HPR (High) Potential to lose the cooperation of the denominations who might not be persuaded of the benefits if they are not demonstrated by pilot studies. (Med) Untenable short-term resource implications for English Heritage (High). Resource/buy-in implications from Local Authorities (High).</p>
<p>3 Publish decision document and move into pilot phase. Pilot schemes will be arranged with the major exempt denominations, at sites or locations volunteered by the denominations, and covering a variety of different types of churches in different settings.</p>	<p>Respondents to consultation will be made aware of results of consultation. Pilots will identify the full costs, benefits and other implications of the proposed agreements. Ensures consistency with main HPR. Denominations are signed up to this approach.</p>	<p>Lack of support from some of the National Amenity Societies, who would like to see a commitment to a further review of the Ecclesiastical Exemption within a set timescale.</p>

Option	Implementation	Delivery
1	N/a	N/a
2	<p>Publish suitably amended decision document.</p> <p>In conjunction with the major denominations, English Heritage, local authorities and the National Amenity Societies, offer Heritage Protection Partnership Agreements to any denominations who wish to negotiate these.</p>	English Heritage to take lead in updating relevant designations of sites onto single register, identifying appropriate partners to agreements and negotiating agreements.
3	<p>Publish decision document as it stands.</p> <p>In conjunction with English Heritage, continue dialogue with denominations to identify and work up suitable pilots for exploratory Heritage Protection Partnership Agreements.</p>	English Heritage to take lead in updating relevant designations of sites onto single register, identifying appropriate partners to agreements and negotiating agreements. Results of pilots to be evaluated in advance of Heritage Protection white paper.

5. Costs and benefits

Sectors and groups affected

The denominations exempt from Listed Buildings and Conservation Area controls.

Denominations and faith groups not currently exempt.

English Heritage.

Heritage groups (e.g. the National Amenity Societies).

Consultees.

Local authorities.

Benefits

Greater understanding of the practicalities, costs and benefits of operating Heritage Protection Partnership Agreements for ecclesiastical sites to inform the Heritage Protection White Paper. Progress towards simpler, and more open, flexible and rigorous systems. Progress towards the reduction of administrative burden upon denominations and local authorities of seeking and agreeing separate permissions for separate works to churches.

Costs

English Heritage	Costs in medium term to be managed within existing grant-in-aid settlement
DCMS	Staff costs to be managed within existing budgets. Minimal cost in terms of publicity, meetings and

	seminars concerning the HPR. No publicity costs specific to ecclesiastical proposals.
Denominations	Unquantified costs in staff time to negotiate HPPAs, but with saved staff time costs in terms of reduced need for individual heritage consents.
Local authorities	Unquantified costs in staff time to negotiate HPPAs, but with saved staff time costs in terms of reduced need for individual heritage consents.

6. Small Firms Impact Test

No impact on small firms of any option. There is no impact on small business of current arrangements, and nothing within the proposals impact on small business.

7. Competition assessment

No competition impact of any option.

8. Enforcement, sanctions and monitoring

There will be no need for enforcement or sanctions in connection with the current proposals, as participation by denominations in pilot schemes will be voluntary. Arrangements for monitoring the operation of pilot schemes have yet to be made, but will be undertaken by DCMS and English Heritage.

Sections 9-12

Sections 9-12 should be completed after consultation and included in the full RIA.

9. Implementation and delivery plan

Plans are currently at an early stage. Denominations have volunteered appropriate pilot sites to test out these proposals in practice. Discussions as to how the pilots will be operated are ongoing.

We have begun discussions on potential pilots in a number of areas: Canterbury Cathedral, a World Heritage Site, has agreed to be a pilot, as has Rochester Cathedral. Work is ongoing with the Anglican dioceses of Bath and Wells and Lincoln to identify suitable sites for pilots of groups of parish churches. Discussion is also ongoing to identify possible pilots within the Roman Catholic and Methodist Churches. Details of pilots as they are announced will be published on the DCMS and English Heritage websites during Summer 2005.

Pilots may take some time to set up. It is important that they are carefully designed to maximise the learning potential. We hope that all pilots will commence during the second half of 2005 and run into 2007. This will

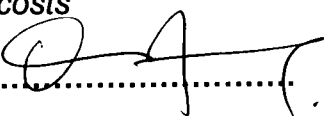
enable the findings of the pilots to be reflected in the forthcoming Heritage Protection White Paper, due in 2006, and in the subsequent preparation of draft legislation.

The pilot projects are not the only avenue for developing policy on the ecclesiastical heritage in preparation for the White Paper. Throughout 2005-6, DCMS and English Heritage will be engaging in further consultation with stakeholders to refine the proposals further.

10. Post-implementation review

11. Declaration and publication

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

Signed 

Date 14/06/05

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