



**Peyto Law**

## Heritage Protection Bill

Draft legislation\* to unify heritage protection regimes and allow greater public involvement in decisions was published on 2 April 2008.

The draft **Heritage Protection Bill** includes plans to:

- create a single system for designation – to be called the Heritage Register – which will replace listing, scheduling and registering, and give the public a greater say in what gets protected with new consultation rules;
- devolve responsibility for designating land-based assets in England from the Department for Culture Media and Sport (DCMS) to English Heritage;
- reform the marine heritage protection regime in England and Wales, by broadening the range of marine historic assets that can be protected and bringing greater flexibility to the licensing system;
- introduce a system for provisional registration to give 'interim protection' to historic assets while they are being considered for designation, and create new appeals procedures against land-based designation and marine licensing decisions;
- replace listed building consent and scheduled monument consent with a new Heritage Asset Consent, and merging conservation area consent with planning permission; and
- secure the basis for informed stewardship of the historic environment by placing local authorities under a duty to maintain or have access to an Historic Environment Record (HER).

As currently drafted the Heritage Protection Bill will replace provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Historic Buildings and Ancient Monuments Act 1953 and the Ancient Monuments and Archaeological Areas Act 1979 in respect of England and Wales. It will also replace the provisions in the Protection of

Wrecks Act 1973 dealing with the protection of sites of historic wrecks.

The Bill follows the publication of a white paper entitled "*Heritage Protection for the 21<sup>st</sup> Century*" in March 2007 and a DCMS consultation document, "*Protecting our Historic Environment, Making the System Work Better*" published in July 2003.

A copy of the draft bill and its explanatory note can be downloaded from the DCMS website – [www.culture.gov.uk](http://www.culture.gov.uk)

\* The government publishes a number of Bills each parliamentary session in draft form, before they are introduced in Parliament as formal Bills. This enables consultation and pre-legislative scrutiny before a Bill is issued formally.

### Further Information

For further information on this topic or any local government law related matter please contact:

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This briefing note is intended merely to provide a summary of the law in this area and is not a comprehensive guide. It is not intended to provide legal advice for specific cases.