

I'm sure I left it  
here  
somewhere?

# Winter HER Forum

## The LURB!

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Ben Wallace

Chair, ALGAO HER Committee



# The Levelling-up and Regeneration Bill:

## Recap

- 11<sup>th</sup> May 2022: Draft Bill published (clause 185)
- 18<sup>th</sup> May 2022: ALGAO HER Committee Discussion
- May-June 2022: Cross-sector discussions (ALGAO, ClfA, CBA, Heritage Alliance, HE)
- 23<sup>rd</sup> June 2022: Public Bill Committee, support for clause 185 presented by Lizzie Glithero-West, Heritage Alliance
- 29<sup>th</sup> June 2022: Written Evidence presented by Heritage Alliance
- 20<sup>th</sup> July 2022: LURB- HERs Event
- August 2022: Ben went on holiday

And then.....  
a bit of Chaos!

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Public Bill Committee

23 JUNE 20

we have sent in a briefing to the Committee—I can unpack that, if it would be helpful—address some of those long-awaited calls from the sector.

We strongly support clause 185, which would make historic environment records statutory. That has been a long-term ask from the sector, and it features in our heritage manifestos. The sector is delighted that this has made it into the Bill, and I congratulate those working on that behind the scenes. We strongly support clause 92,

Secretary Kwasi Kwarteng,  
Secretary George Eustice and Steve Barclay.

### Clause 185 – Historic Environment Records

We give strong support for this clause; this is something the heritage sector has long called for, and was included in our [2019 Heritage Manifesto](#).

This clause makes Historic Environment Records (HERs) a statutory requirement for relevant authorities, in so far as the relevant authority has the information and considers it suitable for inclusion in the record. The relevant authority must take reasonable steps to obtain the information, and keep it up to date. The clause also gives the Secretary of State various powers, including making regulations to enable a relevant authority to charge for access to the record, and for copies of the record. Relevant authorities include county councils, district councils where there are not district councils, London boroughs, National Park Authorities, and the Broads Authority.

### Why HERs matter:

HER & archaeological advisory services are a key provision of LPA culture and heritage services and create public benefit by:

- ensuring better information, and therefore better and faster decisions;
- advancing understanding by providing information to the public and engaging them with their local heritage, through research, furtherance and dissemination of knowledge, and the creation and maintenance of accessible HERs and archaeological archives;
- contributing to achievement of sustainable development through managing change to heritage assets and historic landscapes in a way that as far as possible sustains or enhances their significance and that of their setting;

# The Levelling-up and Regeneration Bill:

Prime Ministers:



Levelling up Secretary:





# The Levelling-up and Regeneration Bill:

However.....

The Bill continued,

## Clause 185

### HISTORIC ENVIRONMENT RECORDS

**Rachael Maskell (York Central) (Lab/Co-op):** I beg to move amendment 130, in clause 185, page 190, line 2, leave out “an historic environment record” and insert

“or have access to an historic environment record and adequate specialist advisory capacity”

*This amendment is intended to ensure that all current models for service provision of HERs are covered by the provisions of Clause 185 and that HERs have access to specialist archaeologists and conservation officers.*

heartened to hear that there will be guidance that looks specifically at HERs and their application. I hope that when drafting the guidance the Minister ensures that specialist archaeologist resources are drawn on, as well as that of conservation officers, so that the maximum opportunity can be derived from looking at the historical context within the planning system. I will closely examine that guidance. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

18<sup>th</sup> October

proposed amendment

**The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Lee Rowley):** It is a

introducing this amendment. We agree that historic environment records are an important source of information about the historic environment of any given area, especially its archaeology. I defer to the hon. Member for York

particularly in her area. HERs can help the public learn more about where they live and ensure that local plans and planning decisions are informed by an understanding of an area’s history. I am glad that the hon. Lady and others have broadly welcomed clause 185 and the fact that we are putting historic environment records on a statutory footing for the first time. I know that the heritage sector has warmly welcomed that as well.

appropriate assessment of this. Consequently, I will ask the hon. Lady if she would be minded to withdraw her amendment. She may be aware that we intend to publish accompanying guidance alongside the intention of putting HERs on a statutory footing. That will give some clearer views about how those records can be maintained. If she is willing, we will be happy to receive more detail about her concerns, and I will ask that officials give those concerns complete consideration when we are creating that guidance. I hope that some of the understandable concerns she has outlined today can be assuaged through that process. Therefore I will ask the hon. Member if she is content to withdraw her amendment.

# The Levelling-up and Regeneration Bill:

## Clause 185.....

*Question proposed, That the clause stand part of the Bill.*

10.15 am

**Lee Rowley:** I will not detain the Committee for long. Historic environment records are, as we have just discussed, an information service that provides access to comprehensive and dynamic historic environment resources. They relate, as the hon. Member for York Central indicated, to a defined geographical area, for public benefit and use. They are important sources of information for plan makers and applicants, as well as for the public and other Government bodies. We seek to put them on a statutory basis in order to provide clarity for the sector and those who wish to use the records. The clause will make it a statutory requirement that all local authorities maintain a historic environment record, which must be kept up to date, be maintained to an agreed standard, contain specified information as a minimum, and be publicly accessible.

*Question put and agreed to.*

*Clause 185 accordingly ordered to stand part of the Bill.*

# The Levelling-up and Regeneration Bill:

Which has led to.....

- LURB (Amended) 20<sup>th</sup> October 2022
- HERs Now clause 188! (p194-195)

So where are we:

## Bill passage



Bill started in the House of Commons



1st reading



2nd reading



Committee stage



**Report stage**



3rd reading

## What is report stage?

Chance for the whole House to discuss and amend the Bill

Report stage gives MPs an opportunity, on the floor of the House, to consider further amendments (proposals for change) to a Bill which has been examined in committee.

## Levelling-up and Regeneration Bill

[AS AMENDED IN PUBLIC BILL COMMITTEE]

A

**B I L L**

TO

Make provision for the setting of levelling-up missions and reporting on progress in delivering them; about local democracy; about town and country planning; about Community Infrastructure Levy; about the imposition of Infrastructure Levy; about environmental outcome reports for certain consents and plans; about regeneration; about the compulsory purchase of land; about information and records relating to land, the environment or heritage; for the provision for pavement licences to be permanent; about governance of the Royal Institution of Chartered Surveyors; about vagrancy and begging; and for connected purposes.

*Presented by Secretary Michael Gove  
supported by the Prime Minister, the Chancellor of the Exchequer,  
Secretary Kwasi Kwarteng, Secretary George Eustice and  
Steve Barclay.*

Ordered, by The House of Commons, to be  
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# The Levelling-up and Regeneration Bill:

## What were our concerns?

- ~~— England and Wales?~~
- Definition of ‘relevant authority’ (what about lower tier authorities and coverage of more than one relevant authority area)
- Artistic Interest and Artistic Importance
- Charging of fees
- Regulations, Standards, Specifications and Guidance for HERs
- Financial burden to ‘level up’ HERs across England
- Financial burden of ongoing management and maintenance of HERs

### Levelling-up and Regeneration Bill

[AS AMENDED IN PUBLIC BILL COMMITTEE]

### A BILL

TO

Make provision for the setting of levelling-up missions and reporting on progress in delivering them; about local democracy; about town and country planning; about Community Infrastructure Levy; about the imposition of Infrastructure Levy; about environmental outcome reports for certain consents and plans; about regeneration; about the compulsory purchase of land; about information and records relating to land, the environment or heritage; for the provision for pavement licences to be permanent; about governance of the Royal Institution of Chartered Surveyors; about vagrancy and begging; and for connected purposes.

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# The Levelling-up and Regeneration Bill:

## Latest Developments

- Impact Assessment just released (12<sup>th</sup> December 2022)
- Odd wording (Historic Environ**mental** Records, Historic Environment **Registers**)
- However, does say “A new statutory requirement to maintain **or have access to** a HER”
- Also, “Cost to local authorities to **maintain** Historic Environmental Records is estimated to be **£10.1m** (10-year NPV)” 6.3.2 *Heritage, Table 15, p56*
- But then, “The cost of **upgrading** the HERs to local authorities (10-year NPV) is estimated at **£10m.**” p57
- Annexes to Impact Assessment: Annexe 10: Statement of Impacts – Heritage
- “Further work is needed to assess the precise costings and timeline for getting all HERs up to the minimum required standard, as well as any new burdens (over and above current spending) of maintaining them at that standard going forward”
- Looks like £10.1m is cost over 10 years of upgrading HERs (mostly first 3 years) and any **additional** burden maintaining them over that time.



# The Levelling-up and Regeneration Bill:

So where does the LURB go from here?

- Timetable: Pass through Parliament - Spring 2023?
- Implement Act – 2024? (although some aspects can take longer)



# The Levelling-up and Regeneration Bill:

## What do we do in the meantime?

- Consider further amendment: 'maintain, **or have access to,**'
- Meeting for HERs to discuss concerns regarding relevant authority definition and differences in HER setup compared to provision in the bill.
- Meeting for National Park Authorities, HERs and others to discuss any particular concerns.
- Offer to help revise costs for upgrading HERs and maintaining HERs.
- Offer to help with development of any secondary legislation, guidance etc relating to HERs.
- Help with revision of IFP.

# The Levelling-up and Regeneration Bill:

## Not just about HERs

- Many other aspects related to planning and heritage/historic environment.
  - › Chapter 3: Heritage
  - › Part 5: Environmental Outcome Reports (EOR to replace EIA and SEA)
  - › NPPF Revision ('NPPF prospectus' to be published by the Government before Christmas)



# The Levelling-up and Regeneration Bill:

## Links

- Bill page on Parliament (<https://bills.parliament.uk/bills/3155>)
- Original Bill (<https://publications.parliament.uk/pa/bills/cbill/58-03/0006/220006.pdf>)
- Amended Bill (<https://publications.parliament.uk/pa/bills/cbill/58-03/0169/220169.pdf>)
- Summary of amendments so far ([https://publications.parliament.uk/pa/bills/cbill/58-03/0169/amend/levelling\\_up\\_rep\\_day\\_1213.pdf](https://publications.parliament.uk/pa/bills/cbill/58-03/0169/amend/levelling_up_rep_day_1213.pdf))
- Compilation of Public Bill Committee 20<sup>th</sup> October 2022
- Research Briefing, Commons Library Progress of the bill (9<sup>th</sup> November 2022) (<https://commonslibrary.parliament.uk/research-briefings/cbp-9662/>)
- Heritage Alliance evidence submitted (<https://bills.parliament.uk/publications/47093/documents/2056>)
- Historic England Evidence submitted (<https://publications.parliament.uk/pa/cm5803/cmpublic/LevellingUpRegeneration/memo/LRB45.htm>)
- Impact Assessment (<https://publications.parliament.uk/pa/bills/cbill/58-03/0169/LevellingUpandRegenerationBillImpactAssessment.pdf>)
- Impact Assessment Annexes (<https://publications.parliament.uk/pa/bills/cbill/58-03/0169/LevellingUpandRegenerationBillImpactAssessmentAnnexes.pdf>)



# Questions?

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