



Historic England

Identifying opportunities for integrated adaptive management of heritage change and transformation in England: a review of relevant policy and current practice

Prepared for Historic England by Caitlin DeSilvey, Harald Fredheim, Amber Blundell and Rodney Harrison

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Identifying opportunities for integrated adaptive management of heritage change and transformation in England: a review of relevant policy and current practice

Prepared for Historic England by researchers on the Landscape Futures and the Challenge of Change Project

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SUMMARY

This report aims to summarise relevant statutory frameworks and policy guidance from the assumed perspective of an owner or manager anticipating the challenge of managing unpredictable (and sometimes inevitable) change to the form and fabric of designated heritage assets. In doing so it contributes to the development of the concept of *adaptive release*, defined as an active decision to accommodate the dynamic transformation of a heritage asset and its associated values and significance. The scope of the report is limited to assets and landscapes with statutory designations in England, with a focus on the way in which current policy and legal frameworks may constrain or facilitate decision-making around the accommodation of adaptive release and similar approaches.

CONTRIBUTORS

Prof Caitlin DeSilvey led the underpinning research, coordinated the preparation of the report, drafted content and carried out additional research to support the analysis presented here. Dr Harald Fredheim carried out the initial review of policy and legislation and led on consultation with Historic England staff in 2020. Amber Blundell assisted with the organisation of a series of project workshops in 2021 and integrated findings into a revised and reformatted version of the report. Prof Rodney Harrison contributed to the writing and review of the report at all stages.

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1 INTRODUCTION

In the coming decades, as environmental drivers for change intensify, it will become increasingly necessary to manage the transformation and loss of some heritage assets in certain high-risk contexts. Methods are currently being developed by heritage organisations and agencies to identify and measure future hazards, to allow them to make informed decisions about how to manage assets and allocate resources.¹ For assets determined to be under significant threat, and at risk of irreversible damage, practitioners will require support to address management challenges proactively and sensitively; practices will need to adapt as impacts are anticipated and realised.

This report aims to summarise relevant statutory frameworks and policy guidance from the assumed perspective of an owner or manager anticipating the challenge of managing unpredictable (and sometimes inevitable) change to the form and fabric of designated heritage assets. The scope of the report is limited to assets and landscapes with statutory designations (eg inclusion on the National Heritage List for England) in England, in order to allow for specificity in our analysis of relevant policy and legislation. With regard to the proactive management of unpredictable change pathways, we identify instances where accommodation of change and loss appears to be explicitly sanctioned or supported, as well as contexts in which it appears to be constrained or prohibited. The report will be of interest to regulators, practitioners, local authorities, policy makers, owners, and communities that value and care for the natural and cultural heritage environment.

At present, there is little in the way of published guidance on this topic, and there appears to be considerable variability in the interpretation and application of regulation and policy. While appropriate standards of conservation and preservation are widely agreed on, there is often a lack of clarity about the options available for managing certain kinds of change. This research report, produced as part of the Landscape Futures and the Challenge of Change project (2020-2021), is concerned with management at one end of the broad spectrum of change—change that involves a trajectory of gradual structural deterioration and/or the physical transformation of designated heritage assets and landscapes over varying timescales.ⁱⁱⁱ The approach to managing change we address in this report goes beyond well-established approaches for ‘actively managing change’ in a manner that ensures the ‘continued use and enjoyment’ of a place whilst reinforcing its historic significance.²

Changes caused by the impact of natural processes of erosion, decay, and ecological colonisation on the form and fabric of designated heritage assets and landscapes are commonly described as threats.³ The heritage sector’s primary response to these threats is to apply treatment measures that will arrest degradation processes and mitigate against further damage. Where intervention is judged to deliver limited benefits, and when no viable future use of the asset can be identified, a ‘managed

ⁱⁱⁱ Landscape Futures and the Challenge of Change: Towards Integrated Cultural/Natural Heritage Decision Making (LFCC) was an Arts and Humanities Research Council (AHRC) Impact and Engagement Follow-on project in the Landscape Decisions Programme (AH/ T012196/1), which was led by the University of Exeter in collaboration with the National Trust, Historic England, Natural England and University College London. See <https://www.exeter.ac.uk/esi/research/projects/landscape-futures/>. The project developed out of the AHRC-funded Heritage Futures (HF) research programme ([www. https://heritage-futures.org](http://www.https://heritage-futures.org)), which was funded by an AHRC Care for the Future: Thinking Forward through the Past Theme Large Grant (AH/ M004376/1) and led by University College London, in collaboration with the University of Exeter, the University of York, Linnaeus University and 25 academic and non-academic partner organisations.

decline' approach may be applied, which usually aims to slow (but not arrest) deterioration, often after recording.⁴ In the absence of an explicit decision to manage decline, accommodation of biotic and abiotic degradation processes is most often framed as evidence of neglect, which has specific consequences in the regulatory context.

Despite this general inclination to protect assets from decay and decline, it does appear to be possible in certain contexts for a convincing case to be made for the intentional accommodation of ongoing deterioration in the management of a designated heritage asset. The 'active abandonment' of historic vessels for wider public and environmental benefits is a noteworthy example of a considered approach to managing the inevitable loss of historic fabric in collaboration with natural processes.⁵ Other approaches with relevance for this evolving area of practice include 'continued ruination' and 'curated decay', as well as recent proposals for including managed decline as part of a 'sustainable conservation' strategy.⁶ Research carried out as part of the Heritage Futures research programme also explored how active citizen-science recording and monitoring of eroding coastal archaeology can shift the emphasis of management and engagement from 'protection' to appreciation of ongoing process and discovery.⁷ These less interventionist approaches are, as yet, relatively uncommon in heritage practice.

In its consultation with heritage practitioners and decision-makers, the Landscape Futures project (following on from the findings of the Heritage Futures project) determined that deliberations about change and loss could benefit from the development of more positive and precise language to describe this area of practice.⁸ In a separate paper, we proposed the term **adaptive release**, defined as reflecting *an active decision to accommodate and interpret the dynamic transformation of a heritage asset and its associated values and significance*, with reference to wider landscape settings (see **Figure 1**).⁹

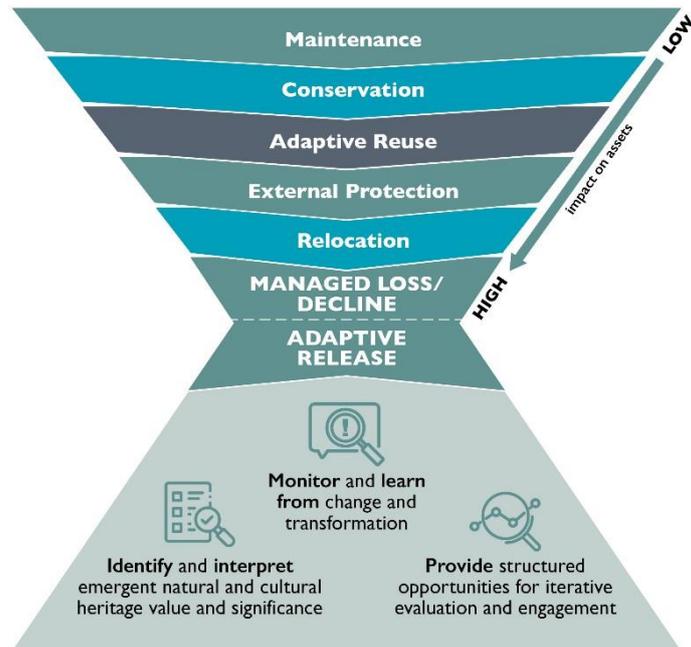


Figure 1: Low- to high-impact options for heritage asset management, opening into adaptive release working principles.

Adaptive release is a proactive, rather than reactive approach, intended to be applied in situations where anticipated environmental change is likely to lead to significant loss and/or alteration of fabric. It is not a pathway to neglect, but rather reflects an active commitment to long term monitoring and management that works with natural processes while sustaining cultural heritage values and interests. It requires ongoing, meaningful engagement with local communities, stakeholders and interest groups and dedicated historic and natural environment expertise to support the identification and interpretation of emerging values and benefits.¹⁰ While adaptive release builds on approaches that frame heritage conservation as the ‘management of change,’ it represents a step-change in thinking by foregrounding the integrated and iterative management of transformation in the natural and historic environment. The concept of adaptive release was developed to offer an alternative management strategy for sites where other conservation approaches may no longer be feasible, and to expand the range of options available to natural and historic environment professionals in responding to inevitable change. We use it in this report for two reasons: (1) to allow for precision in describing the intentional, proactive accommodation of changes that might otherwise be labelled as decline or neglect, and (2) to test the concept against (and illustrate points of tension with) existing policy and regulatory frameworks.

The potential drivers of change in relation to designated assets and landscapes are, of course, numerous. Recent analysis suggests that almost four in five sites on the National Heritage List for England will face high levels of risk by the second half of the 21st century, with climate-driven hazards intensifying the impact of background environmental processes such as weathering and erosion. The Climate Change Act

(2008) also imposes a duty on all heritage owners and managers to reduce carbon emissions to net zero by 2050, an expectation that highlights the need for the rapid transformation of conservation practices to make heritage ‘part of the solution.’¹¹ Adaptive release has a clear application in this context, but it could also contribute to a coordinated and creative response to other challenges, such as nature recovery and biodiversity enhancement. Effective management approaches will need to be underpinned by owners and site managers identifying drivers in advance and reacting to those that may impact emerging values over various timescales.

Within this report, the concept of adaptive release is used to explore whether current legislation and policy frameworks could accommodate iterative, integrated, adaptive management of heritage change. Our analysis is focused on testing situations where environmental change is likely to lead to significant loss and/or alteration of cultural heritage assets, and where established management approaches are not deemed to be appropriate (see **Table 1**). Examples of the potential application of adaptive release in practice are presented in section 6, **Case Study Examples**.

Table 1: Established and emerging conservation management approaches.¹²

Approach	Description	Outcomes
Maintain	Retain the asset in some form of original intended use (for example, field barns being kept in agricultural use).	Routine maintenance regimes kept up. Alterations acceptable to ensure structural integrity and prolong use.
Conserve	Asset deemed to have significant interest, meriting continued investment to ensure its conservation for future generations.	Significance retained through maintenance, repair or restoration using traditional materials and techniques. Promotes minimal intervention and retaining original material fabric.
Adapt (reuse)	Internal and/or external changes made to existing assets to enable continued or alternative uses.	Alteration or conversion of buildings resulting in contemporary active use. Sensitivity of site will dictate the intensity of use.
Manage decline	Asset no longer deemed significant enough to warrant conserving, or re-use is not viable due to condition and/or location.	Building no longer used or maintained, leading to deterioration and eventual ruination. May trigger future consolidation as a ruin or active demolition.
Adapt (release)	Transformation of an asset through iterative, adaptive management. Focus on monitoring change and identifying potential for integrated natural and historic environment benefit.	Initial preservation by record followed by ongoing engagement with processes of change, as resources and interest allow. Minimal or no intervention. Structured opportunities for monitoring and review.

The intention of this report is not to provide a definitive statement about current policy and legislation in this area, which is complex and often open to interpretation, informed by (often unpublished) case precedents and various guidance and advice publications. Because most heritage legislation has been drafted to encourage or enforce protection of material fabric, not to accommodate its active transformation, a review of current practice and decision-making is not straightforward. It involves reading between the lines to understand certain obstacles and opportunities that may emerge when trying to implement an adaptive release approach, and appreciating that there is no generic, universally applicable interpretation of the relevant statutes, given the specificities of each case. In this area, as in other areas of the law where there is some ambiguity, practitioners' policy preferences and personal perspectives are likely to influence their interpretation of appropriate action (and, by extension, their decision-making). While there is a pressing need for clear advice on this topic, to enable a consistent approach to management and planning, in this report we have focused on describing the complexity of the current regulatory environment – in the hopes that clarity may begin to emerge from an understanding of complexity.¹³

It is important to note that while heritage legislation is perceived by many in the sector to have remained static over the last several decades, heritage practice – and, to a certain extent, governmental policy – has evolved to adapt to wider changes in society and environment.¹⁴ In our research, for example, we spoke to many heritage decision-makers and regulators who described how they have used Historic England's *Conservation Principles* to open up space for flexibility in their management of change in specific places.¹⁵ The document's emphasis on how processes of change (natural or otherwise) can reveal (as well as erode) value and significance has been influential across the sector, and has clearly supported proactive, creative management practice, often at a regional level.¹⁶ These more flexible approaches are not, for the most part, perceived to be explicitly addressed in other published guidance and policy, however. Most of the Historic England staff we interacted with emphasised that while they think current legislation and policy does probably have scope to allow for the management of irreversible, unpredictable change, in spirit and intention statutory frameworks still foreground the need to protect heritage assets from harm or loss by minimising changes to original fabric. This paradox lies at the heart of the analysis carried out for this report.

This research report represents an informed lay-person's perspective on the way in which current policy and legal frameworks may constrain or facilitate decision-making around the accommodation of adaptive release approaches in the management of designated assets and landscapes. Building on observations made by the Heritage Futures project,¹⁷ our research recognises that there is sometimes a dissonance between policy and practice in this space. As noted above, the scope of the report is restricted to management of designated assets and protected areas in England; the devolved UK nations have responsibility for heritage policy and regulation, which has resulted in distinctive legislation and practice. This report seeks to clarify the current position in England (to the extent that this is possible), in order to lay the foundation for owners and practitioners to approach adaptive release (or similar management approaches) with **consistency** in interpretation of relevant regulation and guidance and **confidence** in making the decision to manage for change.

2 MAKING A CASE FOR INTEGRATED ADAPTIVE MANAGEMENT

Within the heritage sector, there has been a gradual transition over the last decades from focus on ‘preservation’ and protection to a focus on ‘conservation’ and managing change, with a related recognition that different drivers of change represent different challenges for heritage management. In England, this shift has been reflected in a series of influential guidance documents. *Constructive Conservation in Practice*, for example, advocates for a positive and collaborative focus on actively managing change.¹⁸ Historic England’s *Conservation Principles* notes that changes resulting in harm may be necessary ‘to make the place sustainable’, whilst repair should be performed within a ‘plan for the long-term consequences of inevitable change and decay’.¹⁹

The broad sectoral acceptance of change sits alongside a persisting presumption in favour of some form of protection, however, and legislation and policy remains primarily focused on the response to two primary perceived threats: unsympathetic development and neglect. There are some significant differences in the way listed and scheduled monuments are treated, given that different legislation applies to each. For listed buildings considered to be at risk of neglect due to falling out of use, emphasis is placed on securing their continued use and allowing necessary changes to keep them in beneficial use.²⁰ While some loss of fabric and/or significance due to adaptive reuse is deemed to be acceptable (when appropriately managed and consented), loss of fabric and/or significance due to neglect of a listed asset is not usually tolerated.²¹ Scheduled monuments, on the other hand, are often no longer used for their original purpose and may require less active maintenance, or be managed with low-intervention approaches that accept some level of change over time. In existing statutory frameworks, consideration of managing change tends to be directed towards managing *intentional* change (in response to development pressures or structural interventions), not towards managing change driven by ongoing natural processes (where the assumption in most cases is that treatment will involve monitoring and arresting decay and protecting fabric).²² Climate change and environmental sustainability are recognised as relevant concerns in guidance and policy, yet usually only with respect to the importance of using low-carbon materials and ensuring the energy efficiency of buildings in adaptive reuse and retrofitting projects.

This underlying commitment to protection of the material integrity of heritage assets presents a challenge when considering how current policy and legislation could inform decisions about managing heritage for adaptive reuse. Because adaptive reuse is neither deliberate change as result of development or repair nor the absence of care as exemplified by neglect, its intentional management of unpredictable, open-ended change sits mostly outside the scope of current policy and legislation. Policy also generally appears to be more comfortable with protecting existing heritage significance than allowing for new aspects of significance to develop and emerge. As a strategy which aims to maintain and enhance significance through transformation by working with natural processes, the viability of adaptive reuse as a legitimate form of conservation practice is yet to be tested.

Yet such testing is precisely what is required. Consultation with heritage sector practitioners identified a clear need for new guidance in this area, particularly in contexts where change is likely to be unavoidable and unpredictable. While legislation prohibits certain works or activities without consent, there is no listing of actions for which consent will, or indeed will not, be given. In the face of uncertainty, local regulators and managers may be inclined to refer difficult decisions upward. Decisions are taken on a case-by-case basis, and can involve prolonged and protracted discussion and negotiation to achieve agreement about the management of dynamic or vulnerable sites. There is also evidence of a pattern in both historic and natural environment sectors in which some of the conceptual thinking about adaptation in practice is moving ahead of existing policy. Should regulators and practitioners seek room to manoeuvre within the existing statutory frameworks, or does policy and legislation need to be reformed to provide greater consistency? Through understanding the powers available to regulatory authorities, we can understand the requirements placed on owners and managers regarding conservation and maintenance, and the barriers these may present to the adoption of alternative adaptive management approaches.²³

3 MAPPING THE POLICY AND LEGAL LANDSCAPE

Rather than presenting a comprehensive review of current legislation and policy (and the measures granted to authorities), the following sections highlight key elements of current heritage policy and legislation that would need to be navigated in the adoption of adaptive release management planning and practice. **Table 2** offers a concise outline of the legislative frameworks directly guiding the management of designated heritage assets in England (specifically relating to planning and consent), alongside related policy and guidance documents supporting management decision-making in these areas. This list is not exhaustive: Local Plans and relevant policies within the National Planning Policy Framework (NPPF) must also be adhered to, whilst legislation, policy and programmes driving local and national sustainability agendas (including the Climate Change Act 2008 and Energy Act 2011, for example) will also influence decisions made.

Table 2: Key legislation directly guiding management of designated heritage assets in England

Legislation	Statutory duty arising from legislation	Related policy and guidance documents
Ancient Monuments and Archaeological Areas Act 1979	Protection for monuments of national interest.	<ul style="list-style-type: none"> • <i>Scheduled Monuments</i> (DCMS, 2013) • <i>Scheduled Monuments - A Guide for Owners and Occupiers</i> (Historic England, 2013)
Historic Buildings and Ancient	The compilation of a register of gardens and other	<ul style="list-style-type: none"> • <i>The Planning System in England and the Protection of Historic Parks and Gardens:</i>

Monuments Act 1953	land (parks and gardens, and battlefields).	<i>Guidance for Local Planning Authorities</i> (The Gardens Trust, 2016)
Planning (Listed Buildings and Conservation Areas) Act 1990	Protection for buildings and areas of special architectural or historic interest.	<ul style="list-style-type: none"> • Localism Act 2011 • <i>Conservation Basics</i> (Practical Building Conservation) (English Heritage, 2013) • <i>Conservation Principles, Policies and Guidance</i> (English Heritage, 2008) • <i>Constructive Conservation in Practice</i> (English Heritage, 2008) • <i>Enabling Development and Heritage Assets – Historic Environment Good Practice Advice in Planning: 4</i> (Historic England, 2020) • <i>Guide to the Conservation of Historic Buildings BS 7913:2013</i> (British Standard, 2013) • <i>Facing the Future: Foresight and the Historic Environment</i> (Historic England, 2015) • <i>Flooding and Historic Buildings</i> (Historic England, 2015) • <i>Managing Significance in Decision-Taking in the Historic Environment - Good Practice Advice in Planning: 2</i> (Historic England, 2015) • <i>Stopping the Rot</i> (Historic England, 2016)
Protection of Wrecks Act 1973	Protection for wrecks, sites of archaeological, historic, or artistic interest.	<ul style="list-style-type: none"> • Marine and Coastal Access Act 2009 • <i>UK Marine Policy Statement</i> (Defra, 2011)
Town and Country Planning Act 1990	Primary planning framework.	<ul style="list-style-type: none"> • National Planning Policy Framework (NPPF) • Planning Practice Guidance (MHCLG, 2019) • Enterprise and Regulatory Reform Act 2013 • <i>Conservation Principles, Policies and Guidance</i> (English Heritage, 2008)

3.1 Heritage values in decision making

Policy and legislation in England are consistent in stating that decisions about heritage should be made based on informed understandings of **significance**. Significance is broken down into different **values** in various documents, however, leading to a somewhat confusing and overlapping set of terms. *Conservation Principles* defines significance through reference to ‘evidential’, ‘historical’, ‘aesthetic’ and ‘communal’ high-level heritage values that may be attached to a place (see **Table 3**).²⁴ A further distinction is made regarding the specific ‘interests’ recognised by statutory designations. ‘Architectural’ or ‘historic’ interest is assessed when designating listed buildings; scheduled monuments are designated primarily for their ‘archaeological’ or ‘historic’ interest; and registered parks and gardens for their ‘historic’ interest.²⁵ The NPPF, which governs the planning system, does not include a reference to ‘communal’ value, but its definition of significance does include ‘archaeological’, ‘architectural’, ‘artistic’ and ‘historic’ interest. These values and

interests are of consequence when considering the feasibility of managing designated heritage assets and landscapes for adaptive release, since managing change is fundamentally understood to be about sustaining (and minimising harm to) significance.²⁶

Table 3: High-level heritage values informing significance as described in Conservation Principles (English Heritage, 2008).

Value	Definition	Evidenced by	Diminished by
Evidential	'The potential of a place to yield evidence about human activity.'	Physical remains of past human activity or genetic lines.	Removal or replacement.
Historical	'The ways in which people, events and aspects of life can be connected through a place to the present.' Can be <i>illustrative</i> or <i>associative</i> .	'Perceptions of a place as a link between past and present people' (illustrative) or sound identification and direct experience of surviving fabric or landscape (associative).	Adaptation that obliterates or conceals them.
Aesthetic	'The ways in which people draw sensory and intellectual stimulation from a place.'	Conscious and fortuitous design (often amenable to restoration and enhancement, both intentional and natural).	Physical damage. However, it is noted that such action may in fact add to the range and depths of inherent values.
Communal	'The meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.'	Values that reflect emotional links and remembrance (commemorative and symbolic), collective memory and community identity (social) and beliefs and teachings (spiritual).	Changes to character of the place, or activities that happen there.

When deciding how to designate heritage assets, Historic England refer to the criteria for designation, noted above. Buildings in use are usually assessed for listed buildings designation, and Historic England has a non-discretionary obligation to list assets that meet the criteria. Ruins and archaeological remains are usually assessed for their designation as scheduled monuments, but scheduling is discretionary in these cases. According to existing legislation, designation recognises the need to protect specific values or interests, and owners are responsible for maintaining or enhancing the special interest identified at the time of listing. There are general assumptions *against* interventions in scheduled monuments and *for* active maintenance and repair of listed buildings.

3.2 Changes to significance

As outlined above, heritage assets are designated for their special interest and managed according to their significance. Generally, owners (or site managers, in the case of organisational ownership) are free to assess significance against their chosen criteria in management plans and proposals; by contrast, the categories of special interest that govern designation are fixed. For listed buildings, for example, specific interests that must be protected are narrowly defined as ‘historic’ and ‘architectural.’²⁷ In most cases, the different frameworks operate amicably side-by-side, as established frameworks for significance include values that encompass the special interest assets are designated for. In more challenging cases, where proposed changes are compatible with a flexible understanding of significance but may result in some harm to historic fabric, assessment of significance and protection of special interest may come into conflict. In the context of adaptive reuse, a holistic and dynamic significance assessment may therefore lead managers to propose actions that are perceived to negatively impact the asset’s architectural and historic values (and the associated interest that gave rise to designation).²⁸

List entries on the National Heritage List for England (NHLE) do not necessarily describe the specific characteristics of an asset that underpinned its designation, however, which can make these descriptions of limited use in anticipating how proposed actions may be perceived by regulators. Many older list entries are simply physical descriptions of the asset, which contain no mention of how material fabric relates to special interest. While one might be tempted to think that the presence or absence of features in a list entry can be read as an implicit judgement of relative significance, and thus provide a basis for decision-making, Historic England staff have been keen to point out that this is not the case. Designation notices for Sites of Special Scientific Interest (SSSI), on the other hand, list the significant ‘flora, fauna, or geological or physiographical **features**’ in the protected area, the operations likely to damage them and ‘a statement about Natural England’s views about the management of the land’.²⁹

Despite the challenges noted above, there are some indications that there is scope to make the case for adaptive reuse approaches within current regulatory understandings of significance. While only an advisory document, support is provided by *Conservation Principles*, which notes that historical value:

...is not as easily diminished by change or partial replacement as evidential value. The authenticity of a place indeed often lies in visible evidence of change as a result of people responding to changing circumstances. Historical values are harmed only to the extent that adaptation has obliterated or concealed them...³⁰

Conservation Principles also contains another reference which indicates that significance may be enhanced, rather than eroded, by change, noting that, ‘Change to a significant place is inevitable, if only as a result of the passage of time, but can be neutral or beneficial in its effect on heritage values’.³¹ Several of the heritage practitioners we spoke to in the course of this research shared examples of cases in which they had used the dynamic definition of heritage significance in *Conservation Principles* to support management approaches that would lead to a transition in primary significance, from architectural to archaeological, for example. In practice,

such examples are limited, in part, it seems, due to the constraints imposed by the planning system in securing consent for such actions.

3.3 The role of consent

The points at which decisions to manage heritage assets for adaptive release are likely to intersect with the planning system relate to consent—which may be sought proactively by an owner or addressed through retrospective enforcement actions taken by the planning authority. While enforcement actions are discretionary and relatively rare, uncertainty as to whether or not formal consent is required often leads owners to seek consent in cases in which it might not strictly be necessary. The regulation around for Listed Building Consent (LBC) or Scheduled Monument Consent (SMC) is also slightly different.

The Ancient Monuments and Archaeological Areas Act requires owners to apply for Scheduled Monument Consent (SMC) prior to executing, causing, or permitting:

‘Any works resulting in the demolition or destruction of [,] or any damage to [,] a scheduled monument’ and ‘any works for the purpose of removing or repairing ... or making any alterations or additions.’³²

In summary, doing anything that affects the fabric of a scheduled monument does appear to require SMC. For listed buildings, the Planning (Listed Buildings and Conservation Areas) Act requires owners to apply for consent prior to executing:

‘Any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest.’³³

The NPPF similarly requires ‘clear and convincing justification’ for any harm to the significance of designated assets.³⁴ Owners of listed buildings are encouraged to take advice from their local planning authority as to whether or not their plans are likely to be judged to harm character or special interest. If their plans do constitute harm, consent must be sought in order to justify the degree of harm caused by specific proposed changes, with reference to other resultant benefits, such as improving energy efficiency by installing double glazing. Conversely, if no harm is anticipated, consent is not required.

Because of the relatively narrow definition of interest considered at the point of designation, it may be difficult for an owner to receive LBC for a proposed repair or alteration which anticipates the transformation of original fabric through the accommodation of natural processes over an unspecified length of time. One potential scenario involves an owner seeking LBC for demolition in anticipation of the alteration of an asset through coastal process at an uncertain future point. This is not the sort of application the planning system has been designed to accommodate. Owners who want to use the consent process to gain reassurance that an intended management pathway of adaptive release is permissible, and will not expose them to potential enforcement action, may be unsure of how to proceed.

Paragraph 196 of the NPPF states that proposals involving ‘less than substantial harm ... should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’³⁵ Paragraph 201 outlines that in cases leading to substantial harm, permission should be refused unless:

- (a) *‘The nature of the heritage asset prevents all reasonable uses of the site; and*
- (b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- (c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- (d) *the harm or loss is outweighed by the benefit of bringing the site back into use.’³⁶*

In summary, application of adaptive release approaches may not automatically trigger the need for SMC or indeed LBC, however there are likely to be tipping points within that process that would necessitate a consent application. One way for owners to reduce the level of uncertainty they need to navigate in managing a designated asset for adaptive release would be to apply to have an asset delisted or descheduled. While it may be possible to remove assets that are candidates for adaptive release from the NHLE to better manage them with reference to a wider and more dynamic range of values, this would also potentially open the door to unsympathetic development and the loss of the planning protections provided by designation. Continued designation with reassessment of significance and interest at regular intervals to update the list descriptions (as with ‘re-notification’ of SSSIs, see below) would be more compatible with an adaptive release approach, although it is not clear that existing structures and resources would allow for this. In cases of dual designation, choosing an approach that maintains *either* architectural or historical interest would best ensure the long-term management (and survival) of assets. As this section makes clear, for adaptive release of designated assets to be viable in practice, early consultation with the relevant regulatory authorities will be critical, and some clarification of the regulatory expectations around consent will be needed. The possibility of future enforcement action may present a barrier to owners and managers pursuing adaptive release, unless they have confidence of the legitimacy of the approach.

3.4 Viable use and ‘proper preservation’

Managing designated heritage assets for adaptive release is most likely to be considered in cases where there is perceived to be no other viable use for the asset. In this situation, a case could perhaps be made that iterative monitoring and engagement activity could itself constitute the optimum viable use. If public access and appreciation is sustained, or even enhanced through the emergence of new values, and simultaneous natural environment benefits are realised, adaptive release could potentially be judged to deliver maximum public benefit. While adaptive release

may appear to be a negative outcome, *Planning Policy Guidance for the Historic Environment* introduces the notion of sustainability to this discussion by noting that the optimum viable use should be the viable use that causes the least harm over time, including 'likely future changes'.³⁷ As outlined in *Conservation Principles*, changes resulting in harm should be judged to be unacceptable unless they are necessary 'to make the place sustainable' and repair should be performed within a 'plan for the long-term consequences of inevitable change and decay'.³⁸ In such circumstances adaptive release could act as an interim management approach, supporting new strategies for recognising, recording and sharing emerging and evolving values.

Such a sympathetic interpretation may not be universal, however. Alongside the powers to grant or refuse consent, legislation grants authorities the right to intervene in cases where 'urgent works' are required for the preservation of a designated asset.³⁹ This presumption of preservation may conflict with the intention to manage for adaptive release. These measures are primarily intended to address cases of outright neglect, yet the material consequences of adaptive release may resemble those generated through neglect; therefore, it is important to understand how cases of apparent neglect are framed within existing regulatory frameworks.

Regarding scheduled monuments, Historic England's *Guide for Owners and Occupiers of Scheduled Monuments* states that 'monuments which consist of, or include, built structures can be particularly vulnerable to decay, especially if the structure is already ruinous and may need more proactive maintenance of the structural parts.'⁴⁰ Taken together with the provision for urgent works (and in contrast other interpretations of the legislation), there does appear to be some expectation regarding the maintenance of scheduled monuments, especially since maintenance necessitates 'the doing of any other act or thing which may be required for the purpose of repairing the monument or protecting it from decay or injury.'⁴¹

The concept of 'proper preservation' (alluded to in the Ancient Monuments and Archaeological Areas Act) is defined in the Planning (Listed Buildings and Conservation Areas) Act in relation to authorities' power to issue Repair Notices and Compulsory Purchase Orders (CPOs). Both Acts allow authorities to acquire designated assets compulsorily for the purpose of securing their preservation, yet they must be able to demonstrate that preservation is feasible and may be reluctant to take on the responsibility and costs for preservation. In the case of listed buildings, authorities are required to issue a Repair Notice at least two months prior to a CPO. Repair Notices must specify the works 'reasonably necessary for the proper preservation of the building'.⁴² The Planning (Listed Buildings and Conservation Areas) Act specifies that if 'reasonable steps have been taken to properly preserve the building' the compulsory purchase process should be stayed.⁴³ Repair Notices and CPOs therefore hinge on the interpretation of 'proper preservation'. While these powers are discretionary, the threat of their use creates an environment in which adoption of an adaptive release approach would appear to carry substantial risk.⁴⁴

Guidance on *Compulsory purchase process and the Crichton Down Rules* specifies that works outlined in a Repair Notice should be what 'is considered reasonable to preserve (rather than restore) the listed building', but also notes that it 'may include works to secure the building's preservation as at the date of listing'.⁴⁵ *Stopping the Rot* concludes that 'proper preservation implies positive action to keep a listed building in good repair in a way which fully respects its special architectural or

historic interest, and to prevent it being exposed to harm, which normally involves undertaking regular repairs and routine maintenance'.⁴⁶ Adaptive release involving material change from the asset's state at the time of listing might therefore be considered not to constitute 'proper preservation'. In the absence of prior consultation and agreement, managing designated assets for adaptive release could therefore result in being issued with a Repair Notice or CPO. Furthermore, a stated policy of adaptive release might be cited by authorities as proof that owners had deliberately neglected a designated asset and could be used to support a decision to compulsorily acquire the asset for minimum compensation.⁴⁷

However, the Planning (Listed Buildings and Conservation Areas) Act specifies that minimum compensation applies when:

'The building has been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development or redevelopment of the site'.⁴⁸

As a result, this clause might not apply to cases of adaptive release, where the intention is not to redevelop the site. Another statement that can be interpreted as supportive of adaptive release is included in *Conservation Principles*' justification for change that involves harm when there is 'no reasonably practicable alternative means' of minimising harm.⁴⁹ This is echoed by *Stopping the Rot*, which stresses that authorities must 'establish a strategy for the repair and disposal of the property' when serving a Repair Notice, as the Secretary of State must be satisfied that resources for repair will be available before confirming a potential CPO.⁵⁰ This requirement appears to apply to both scheduled monuments and listed buildings, as the rationale for compulsory acquisition is preservation. In fact, the *Ancient Monuments and Archaeological Areas Act* allows for the disposal of lands with monuments on it without ensuring preservation when 'it is no longer practicable to preserve it (whether because of the cost of preserving it or otherwise)'.⁵¹ It should perhaps go without saying that managing designated assets for adaptive release is most likely to be feasible in cases where owners and authorities agree that it is the best strategy for achieving what most closely resembles 'proper preservation'.

4 EXISTING TOOLS TO SUPPORT ADAPTIVE RELEASE

It is evident that Historic England recognises the benefit of (and need for) proactively managing change and loss in specific and limited contexts. In conversation with heritage sector practitioners both Heritage Partnership Agreements (HPAs) and Conservation Management Plans (CMPs) were singled out as possible existing tools for managing adaptive release in the historic environment. Though their application is as yet untested regarding adaptive release approaches, we explore their potential here in this context.

4.1 Heritage Partnership Agreements

Heritage Partnership Agreements (HPAs) are either statutory (for listed buildings) or non-statutory agreements between the owner and local planning authority, introduced in 2014 in changes to the Planning (Listed Buildings and Conservation Areas) Act 1990.⁵² One way to give owners confidence in developing strategies to accommodate adaptive release may be to establish an HPA, which would set out an understanding of the asset's significance and grant consent to pursue the necessary measures to deliver an agreed approach to managing change over time.⁵³ This could be a particularly useful mechanism in circumstances where multiple future consent applications are likely, as HPAs can reduce the need to submit multiple applications. It is also possible to establish a combined HPA for listed and scheduled assets on one site, though such cases would need to demonstrate history of multiple consents being sought.

In practice, because management for adaptive release necessarily involves uncertainty about rates and scales of change, and may involve progression towards eventual disintegration, it may be difficult to achieve consensus and clarity through the mechanism of the HPA. However, there is scope for such agreements to prospectively grant permission for a series of anticipated changes over longer periods of time (usually for routine maintenance and like-for-like replacement), taking a range of responses into consideration depending on the circumstances. A further benefit of HPAs is that they can be adaptive in scope and used in both short and long-term management strategies.

It is worth noting that HPAs are rare and, due to the lack of precedent, future use of them for adaptive release approaches would need to be carefully considered. The process of setting up a HPA involves close consultation between the owner, the local authority and regulators, and may need to be simplified and streamlined for effective use in smaller sites. However, they appear to be mechanisms for purposeful management by which it would be possible to centre negotiations for consent (and guarding against the threat of enforcement actions) around a proposed conservation management plan (CMP). One suggestion from a heritage practitioner consulted as part of the Landscape Futures project was to develop a variation of a HPA—a *Transformative* or *Transitional* Heritage Partnership Agreement (THPA). It was proposed that this alternative HPA could be used in situations where change through decline and/or loss in material fabric from natural processes was deemed to be inevitable.

4.2 Conservation Management Plans

In England, the conservation planning process for specific sites and assets is usually conducted with reference to the *Conservation planning guidance* provided by the National Lottery Heritage Fund (NLHF; formerly the Heritage Lottery Fund). The guidance notes that the process of preparing a CMP can help owners ‘decide on the best approach in finding an appropriate balance between repair, conservation, restoration and making change’.⁵⁴ Crucially, the NLHF emphasise that CMPs should be considered working documents that can be adapted over time to reflect changed circumstances, which is in alignment with the intentions of adaptive release and its focus on iterative management over extended timeframes.

A CMP involving the adaptive release of a designated asset could outline how the adaptation process will transform aspects of significance, for example architectural into archaeological value. If established early during consultation of management planning for a designated asset or landscape, CMPs could equip owners with greater confidence when managing with an adaptive release approach by specifying the types of transformative change and loss that are likely to occur, and by outlining anticipated transitional stages (and likely impacts on factors such as access and needs for interim consolidation). A CMP would help articulate a management philosophy and document the decision-making rationale if the need to refute deliberate neglect were to arise. One heritage practitioner suggested that CMPs could be the best tool currently available for managing adaptive change, with the potential to be adopted as Supplementary Planning Guidance (SPG). (At present, however, such formal adoption is not usually pursued, and there appears to be a disinclination to further complicate the planning system with SPGs of this type.)

In conversations with heritage practitioners, we also found that whilst CMPs are considered a useful existing tool for managing certain kinds of change, the standard accepted process of preparing and presenting them (which is often outsourced to external consultants) would need to adapt to allow for more focus on finding integrated solutions and achieving iterative, adaptive management over extended time periods. When considering an integrated approach to the management of natural and historic environment values, there is currently no mechanism to balance the weighting of values (in terms of social or environmental benefits) from a policy and regulation point of view. Most CMPs do not include an in-depth consideration of the natural environments which historic assets are a part of, although there is usually some recognition of setting and wider landscape contexts. A more integrated approach to conservation management – explicitly addressing both natural and cultural heritage assets – is promoted in Natural England’s *Preparing a Heritage Management Plan*, an underused but arguably more relevant source of guidance than the NLHF guidance. This guidance could provide another possible model for planning around an adaptive release management approach.⁵⁵

5 INTEGRATED NATURAL AND CULTURAL HERITAGE MANAGEMENT

Although the sections above have primarily addressed policies related to the built environment, adaptive release is based on a conception of heritage that understands natural and historic environments as integrated and complementary systems.⁵⁶ Where managed appropriately and sensitively, a policy of adaptive release has the potential to maintain and enhance both natural and cultural heritage values (though it may also involve trade-offs) and to foster more nuanced understandings of inherent and emergent natural and cultural values within a designated asset or landscape.

In England, historic and natural environment are protected by separate legislation and regulated by different public bodies (Historic England and Natural England), presenting clear challenges for establishing and enacting integrated decision-making processes. Key natural environment legislation for protected areas (equivalent to the historic environment legislation outlined in **Table 2**) includes The Wildlife and Countryside Act 1981 (which established protections for key ‘features’ in SSSIs) and the National Parks and Access to the Countryside Act 1949 (which established National Parks to conserve and enhance ‘the natural beauty, wildlife and cultural heritage’ of specified areas and to promote ‘opportunities for the understanding and enjoyment of the special qualities of those areas by the public’).⁵⁷ Natural and historic environment are both considered under the NPPF, but, for the most part, as isolated rather than integrated concerns. The NPPF requires planning authorities to make decisions that provide ‘net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’.⁵⁸ Several references to ‘net gains for biodiversity’ are made, also in the context of recognising the dynamism of ecological networks and potential for ‘recovery of priority species’.⁵⁹ There does not appear to be any explicit recognition in the NPPF, or in other cultural heritage guidance, that management of designated cultural heritage assets could (or should) contribute to any such net gains.

Although *Conservation Principles* states that ‘conservation involves people managing change to a significant place in its setting, in ways that sustain, reveal or reinforce its cultural and natural heritage values’, and makes repeated reference to both natural and cultural heritage, the detailed description of different types of heritage values (evidential, historical, aesthetic, and communal) does not include any detailed discussion of the contribution of natural heritage features or processes. Within *Conservation Principles* the assertion that natural processes may undermine cultural heritage integrity (‘for example, when physical damage is caused by vegetation charmingly rooting in masonry’) is complicated by a recognition that ‘the action of nature on human works ... may overlie [and enhance] the values of a conscious design.’ The document goes on to state, ‘If all or part of a significant place will be lost, whether as a result of decision or inevitable natural process, its potential to yield information about the past should be realised’, which suggests some acceptance of natural change as potentially generative. Historic England has recently commissioned a piece of work looking explicitly at the contribution of designated assets to biodiversity and natural capital, whereby integrated (or holistic) management practices are established early for schemes to achieve the maximum potential for biodiversity in built heritage sites.⁶⁰

In contrast to the planning and policy divisions noted above, National Parks and Areas of Outstanding Natural Beauty (AONBs) have responsibility for both the cultural and natural environments situated within their protected areas. They deliver this through management plans that, for example, set out how the organisations involved in the management of a national park will work together to achieve shared objectives over 5 to 10 year intervals. Importantly, the plans are required to identify and address the key challenges and changes facing the National Park, providing a useful example of how integrated management plans could be devised for designated assets and other protected landscapes.

Considering other existing mechanisms like HPAs and CMPs, Environmental Impact Assessments (EIAs), or higher-level Strategic Environmental Assessments (SEAs), could potentially support adaptive release approaches in the natural environment. The EIA process of planning for avoiding, cancelling, reducing or offsetting potential environmental impacts incorporates future scenarios into management strategies, whilst SEAs (or ‘sustainability appraisals’) are an iterative process that inform the development of a plan and explore ‘reasonable’ alternative actions.⁶¹

In cases where areas have multiple natural and cultural heritage designations there is a clear need for more holistic significance frameworks and an acceptance of dynamism, with the significance of some features changing over time. Both Natural England and Historic England are currently exploring adaptation strategies for managing designated assets in response to climate change. Historic England’s *Climate Adaptation Plan* suggested the development of a framework to discuss how ‘inevitable change/loss of heritage assets’ can best be managed.⁶² Natural England has recognised that policy change will likely be needed to allow them to make changes to ‘conservation objectives, interest features or site boundaries’ in SSSIs where interest features are impacted by climate change. They recently commissioned a number of think pieces to help inform discussion about reforms to protected area legislation that will better enable adaptation to climate change.⁶³

Historic environment policy-makers interested in adaptive conservation approaches may benefit from more focused dialogue with natural environment colleagues. The Natural England climate change adaptation guidance notes that ‘sites can, of course, acquire new interest features through climate change, as well as losing existing ones, and studies have shown that they are likely to remain important places for wildlife, even though climate change may affect their current interests’.⁶⁴ A parallel argument could also perhaps usefully be made for cultural heritage, in recognition of the fact that changes to fabric that may negatively impact the special interests for which assets were designated might contribute to the emergence of other heritage values as well as (in some cases) delivering net gains for biodiversity. While an asset might no longer retain the original interest recognised by its designation, it is nevertheless likely to remain an important place for heritage. Natural England’s existing policy also allows for re-notification of interest in SSSI after they have undergone change (climate driven or otherwise) and new interests have emerged, though in practice this is difficult to implement and cases of renotification are currently rare. In their current policy reform work, Natural England are aware of the need to ensure that levels of protection are not reduced by the adoption of more flexible designation processes. However, they have already developed a methodology for evidencing the need for re-

notification, and ensuring ongoing monitoring, and this could potentially be transferred to other protected areas, taking site-specific issues into account.

Natural England's *Climate Change Adaptation Manual* stresses that 'adaptation often needs to be developed with less knowledge and more uncertainty than usual when making managing decisions'.⁶⁵ As we have highlighted in this report, such uncertainty does not sit comfortably within current legislation and guidance for the historic environment. Clearly, more work needs to be done to understand the present, and potential future, contribution that the adaptive management of designated heritage assets can make to supporting nature recovery while also sustaining and enhancing cultural heritage values.

6 CASE STUDY EXAMPLES

This report has attempted to highlight potential issues stemming from a perceived lack of consistency in the regulatory and policy environment around the active management of change in cultural heritage assets. We have focused primarily on key legislation and relevant supporting documents, but also recognise that any decision-making for heritage management sits within a broader context of existing and developing legislation, policies, and programmes. As noted above, the Climate Change Act (2008) and National Adaptation Programme (NAP) make it a legal duty to reduce (and ultimately phase out) all carbon emissions and to put in place robust adaptation plans across all sectors. These case studies aim to show why it may be productive to ‘zoom out’ to manage changing places with reference to such broader policy and legislative tools, beyond those with a direct relevance to cultural heritage. In the preparation of CMPs, for example, placement of decisions within a wider context could justify the need to accommodate change and provide options for more innovative and sustainable approaches to conservation.

To illustrate where an adaptive release approach could be appropriate, and how it relates to the wider policy landscape, we present four anonymised scenarios (**Table 4**). These case studies and their associated management issues were presented to heritage practitioners in our engagement activities, where discussion focused on how an adaptive release approach could potentially make navigating current policy and regulation more transparent and streamlined. Below we highlight some of the enabling policy tools we identified, as well as potential regulatory obstacles to adaptive management practices in consideration of these scenarios.

Table 4: Case studies exploring the potential policy enablers and regulatory obstacles for adaptive management practices.

Description and asset or landscape designations	Management issues	Enabling policy tools	Potential regulatory obstacles
Pair of harbour breakwaters enclosing a small active fishing harbour; Grade II structure, located within AONB and SSSI.	Structures vulnerable to increasing storm surges and sea level rise; long-term programme of maintenance and frequent repair; strong likelihood of future damage and potential failure; challenge of costs and public expectations; CMP drafted to propose phased rollback.	<ul style="list-style-type: none"> • No Active Intervention (NAI) designation in Shoreline Management Plan (SMP), supporting adaptive management approaches to facilitate coastal process. • Regional Rapid Coastal Zone Assessment Surveys (RCZAS) evidencing vulnerability. 	<ul style="list-style-type: none"> • Interpretation of regulations in statutory consent process may limit ability to follow through with adaptation plan outlined in CMP.

<p>Industrial heritage site and protected area; scheduled monument on the Heritage at Risk (HAR) register; geological SSSI; located within World Heritage Site and National Park.</p>	<p>Located at the head of a remote valley vulnerable to landslips caused by flash flooding; risk of contamination of local waterways from historic mine workings; part of large estate managed for public access.</p>	<ul style="list-style-type: none"> • Equal responsibility for both natural and cultural heritage in National Park may enable more integrated management practices. • Scheduling may allow for more flexibility in managing change and interpreting landscape evolution. 	<ul style="list-style-type: none"> • SSSI status presents challenges for obtaining permission to construct treatment scheme to address contamination issues.
<p>Grade II listed farm building with repair backlog and partial failure of structure; on HAR register; part of larger complex of farm buildings within an AONB.</p>	<p>Rare example of building type therefore site is of significant historic interest; cost of repairs prohibitively expensive; repair of building seen as 'priority action' in the AONB management plan.</p>	<ul style="list-style-type: none"> • Statutory management plan for AONB encourages sustainable, holistic, landscape-scale planning. • EIA can provide support for accommodating element of adaptive reuse alongside adaptive release, avoiding harm to evidenced ecology (including protected species). 	<ul style="list-style-type: none"> • LPA restrictions may only allow an adaptive release approach to go so far. • Uncertainty about end-use could be problematic for Landscape and Visual Impact Assessments.
<p>18th landscape park, woodland, and agricultural estate with historic dam preventing natural river processes; adjacent to Grade II* listed building and park and garden, which includes SSSI and statutory reservoir.</p>	<p>Heavy rainfall washing silt into lake and upstream; dam in need of major works – maintenance requires repeated actions with negative impacts; estate managed for public access.</p>	<ul style="list-style-type: none"> • NPPF encourages balanced decisions to be made with a focus on enhancements and net-gain for biodiversity. • Possible to submit a proposal for re-notification of the SSSI because of known future impacts from increased heavy rainfall. 	<ul style="list-style-type: none"> • Only high-risk sites accounted for within legislation (Reservoirs Act 1975), assessed on probability of failure. • Decision-making may be complicated by SSSI designation.

7 CONCLUSIONS

In summary, although there appears to be flexibility within existing heritage legislation and policy to introduce adaptive release approaches for the management of England's designated assets and landscapes, agreed practice currently does not encourage the adoption of adaptive, open-ended management pathways. This situation demands urgent attention if the heritage sector is to effectively address present and future conservation challenges. Without a clear policy framework to support the joined-up management of transformative change and loss in our historic and natural environment, a pattern of protracted decision-making will likely perpetuate, and the impacts of inertia will only intensify.

The need for more integrated management of the natural and historic environment is widely evidenced, though putting this approach into practice will not be without its challenges.⁶⁶ Even if new, more flexible frameworks are adopted, managers will still need to consider appropriate pathways for designated assets and landscapes on a case-by-case basis, requiring significant investment of time, expertise and resources (both financial and human), further stretched through the expansion of factors and scale that need to be considered for a fully integrated approach.

Effective adaptive release approaches will require landscape-scale thinking, placing heritage assets within their wider setting and in relation to natural environment decision-making processes. By appreciating the wider landscape context, owners and practitioners can better understand the benefits of adaptive release and identify how the approach may generate new values or support existing ones. Rather than focussing on discrete heritage assets in isolation from broader systems and relationships in which they are bound up, adaptive release helps draw attention to the complex ecological, political, social, and economic interrelationships that define any landscape. Such an approach is not without precedent; a review of the Heritage Lottery Fund *Landscape Partnerships* programme identified a multitude of benefits deriving from such integrated perspectives, including: the enhanced recording and identification of heritage assets; improvements in biodiversity; restoration of habitat and heritage assets; and adaptation of heritage assets to new uses, as well as providing training, employment, wellbeing and much more.⁶⁷ By creating opportunities for people to directly record and interact with the process of change (either through community archaeology or citizen ecology), adaptive release could contribute new ways for the heritage sector to deliver and evidence public benefit.⁶⁸ Allowing people to be involved in the process of recording and interpretation as an asset or site changes may also help to sustain the value of the asset, as continued engagement would create further opportunities for significance to be enhanced or identified.

There is currently a window of opportunity to integrate adaptive release thinking into heritage climate adaptation strategies and new, or reformed, policy mechanisms. Reforms of the NPPF and development of post-Brexit environmental regulations present opportunities for the heritage sector to exert its influence in shaping a more integrated approach and helping to build confidence for decision-making on the ground. Adaptive strategies for management of the historic environment could be included in plans for Local Nature Recovery and other aspects of Environmental Land Management Schemes, for example. For such approaches to become part of standard practice, not the exception, it will be necessary to develop cross-sectoral

policy and guidance that accounts for the broad spectrum of change impacting our historic and natural environments. This will require collaboration between and within heritage organisations and agencies, and the development of new decision-making structures to deliver the required confidence and consistency.

Abbreviations

CMP	Conservation Management Plan
CPO	Compulsory Purchase Order
DCMS	Department for Culture, Media & Sport
EIA	Environmental Impact Assessment
HAR	Heritage at Risk register
HPA	Heritage Partnership Agreement
LBC	Listed Building Consent
MHCLG	Ministry of Housing, Communities & Local Government
NHLE	National Heritage List for England
NLHF	National Lottery Heritage Fund
NPPF	National Planning Policy Framework
RCZAS	Rapid Coastal Zone Assessment Surveys
SEA	Strategic Environment Assessment
SMC	Scheduled Monument Consent
SMP	Shoreline Management Plan
SPG	Supplementary Planning Guidance
SSSI	Sites of Special Scientific Interest

DEFINITIONS^{iv}

Scheduled monument

"...'scheduled monument' means any monument which is for the time being included in the schedule [compiled and maintained by the Secretary of State for Culture, Media and Sport]".

- Ancient Monuments and Archaeological Areas Act 1979, s1(11).

Setting (of a heritage asset)

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral".

- Ministry of Housing, Communities & Local Government 2019a *National Planning Policy Framework*, 71.

Significance

1) "The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."

- Ministry of Housing, Communities & Local Government 2019a *National Planning Policy Framework*, Annex 2: Glossary.

2) "The sum of the cultural and natural heritage values of a place, often set out in a statement of significance."

- English Heritage 2008 *Conservation Principles*, 72.

Value

"An aspect of worth or importance, here attached by people to qualities of places."

- English Heritage 2008 *Conservation Principles*, 72.

^{iv} Definitions of key terms included in this report, cited from Historic England's 'Heritage Definitions' (Historic England, 2021).

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ENDNOTES

¹ See, for example, recent research by Historic England, the National Trust and other on mapping climate change hazards: <https://historicengland.org.uk/whats-new/research/mapping-climate-hazards-to-historic-sites/>.

² English Heritage 2008b: 7.

³ We acknowledge the complexity implied by the term ‘natural processes’, which can have either positive or negative effects, and must be understood in relation to historical process of human-nature interaction in landscape.

⁴ Yorkshire Dales, 2015; Croft 2013, 41: ‘Where protection is impossible, challenges of how to manage decline need to be met.’

⁵ Kentley, Stephens and Heighton 2020, 7-9. It is described as a rare and costly approach, yet also ‘an ingenious solution’ that can deliver benefits through active management in the face of inevitable loss.

⁶ Wainwright 2009; DeSilvey 2017; English Heritage Trust 2019, 13: ‘...not every element of every site need be bought into ‘good’ condition to achieve successful conservation outcomes, and some degree of deterioration or even managed decline may be necessary and acceptable.’

⁷ E.g. see Bartolini and DeSilvey 2020.

⁸ See Harrison et al 2020.

⁹ See DeSilvey et al. 2021 for a detailed discussion of adaptive release as new conceptual framework.

¹⁰ International Union for Conservation of Nature 2020.

¹¹ E.g. Historic Environment Forum 2021.

¹² Adapted from the Yorkshire Dales National Park Authority 2015, with addition of ‘adapt (release).’

¹³ Farnsworth, Guzior and Malani 2010: 257.

¹⁴ Heritage Protection Review 2006. The stalled Heritage Protection Review advocated for a more holistic approach accommodating more landscape-scale thinking. Practitioners are guided by policy but the policy has not evolved to reflect contemporary issues that the sector faces.

¹⁵ See, for example, references to ‘the patina of age’ and the accommodation of ruination in English Heritage 2008, 31.

¹⁶ Chitty and Smith, 2019.

¹⁷ Harrison et al, 2020.

¹⁸ English Heritage 2008b.

¹⁹ English Heritage 2008a, 10; 52.

²⁰ Risk assessments of heritage assets are based on the nature of the site, i.e. building or structure assessment include listed buildings and structural scheduled monuments but not listed places of worship. See Historic England 2021.

²¹ Historic England’s Heritage at Risk (HAR) register is one example of a policy approach that explicitly seeks to reduce neglect, providing the only national statistic and set targets to

reduce the number of assets on the HAR register (<https://historicengland.org.uk/advice/heritage-at-risk/>).

²² Historic Environment Scotland maintains a series of ‘Managing Change’ guidance notes, and their recent revision of *Historic Environment Policy for Scotland* sets out core principles on managing change, stating that, ‘Some change is inevitable; Change can be necessary for places to thrive’ (Historic Environment Scotland 2019, 14).

²³ It is worth highlighting these powers and enforcement measures are discretionary, and authorities are not legally required to take enforcement action.

²⁴ English Heritage 2008a, 7. See also Fredheim and Khalaf 2016, which provides an overview of how significance is broken down into values differently in other cultural heritage publications.

²⁵ DCMS 2018; and DCMS 2013, 4.

²⁶ Historic England 2015 *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2, 4*.

²⁷ Planning (Listed Buildings and Conservation Areas) Act 1990. These interests appear to be considered when decisions are made about granting Listed Buildings Consent (LBC) in response to proposed works, and when issuing Repairs Notices or Urgent Works Notices (UWN) in response to neglect (Planning (Listed Buildings and Conservation Areas) Act 1990, §16 (2)).

²⁸ Though it is not impossible for such consent to be granted. Our research found one example of a successful appeal for LBC – resulting in the demolition of the remaining ruins of a building – that concluded there was greater value in ‘appropriate recording of architectural and archaeological remains before demolition begins’ than consolidating the remains of the building as a ruin (Gray 2012: 3).

^{29s} Wildlife and Countryside Act 1981, §28 (4).

³⁰ English Heritage 2008a, 29.

³¹ English Heritage 2008a, 43.

³² Ancient Monuments and Archaeological Areas Act 1979, §2.

³³ Planning (Listed Buildings and Conservation Areas) Act 1990, §7.

³⁴ MHCLG 2019a (NPPF), §194.

³⁵ MHCLG 2019a (NPPF), §196.

³⁶ MHCLG 2019a (NPPF), §201.

³⁷ MHCLG 2019b.

³⁸ English Heritage 2008a, 10, 52

³⁹ Paragraph 5 of the Ancient Monuments and Archaeological Areas Act. Paragraph 54 of the Planning (Listed Buildings and Conservation Areas) Act allow Historic England to enter the property in question and execute urgent works for preservation, whilst paragraph 55 allows authorities to bill owners for the costs of urgent works to listed buildings.

⁴⁰ Historic England 2014, 6.

⁴¹ Ancient Monuments and Archaeological Areas Act 1979, §13 (7). This impression is further underpinned by the Ancient Monuments and Archaeological Areas Act which

outlines ‘the effect of guardianship’. While not all scheduled monuments have guardianship arrangements and owners of scheduled assets may therefore not be legally obliged to maintain them, the paragraphs on guardianship nevertheless contribute to the picture of what it means to properly preserve a scheduled monument in a way that precludes the need for ‘urgent works for preservation’. One could therefore imagine a scenario in which an owner who decided to manage a designated heritage asset for adaptive release might be faced with an UWN.

⁴² Planning (Listed buildings and Conservation Areas) Act 1990, §48.

⁴³ Planning (Listed buildings and Conservation Areas) Act 1990, §47.

⁴⁴ One practitioner highlighted that serving Repair Notices and UWNs was an onerous task, with LPAs unlikely to go through to CPO on a building unless they could pass it on, ideally immediately.

⁴⁵ MHCLG, 2019c (Guidance), §192.

⁴⁶ Historic England 2016, 35.

⁴⁷ Planning (Listed Buildings and Conservation Areas) Act 1990, §50.

⁴⁸ Planning (Listed Buildings and Conservation Areas) Act 1990, §50 (b) our emphasis; HCLG 2019c (Guidance), §188.

⁴⁹ English Heritage 2008a, 10.

⁵⁰ Historic England 2016, 40.

⁵¹ Ancient Monuments and Archaeological Areas Act 1979, §30 (4), 14 (3)b.

⁵² Planning (Listed Buildings and Conservation Areas) Act 1990, §26A and §26B. Historic England’s definition of HPAs states that non-statutory HPAs can be useful for ‘other substantial assets or groups of assets such as large or related scheduled monuments, parks and gardens, battlefields and historic landscapes or areas containing a mix of related assets’ (Historic England 2021).

⁵³ Planning (Listed buildings and Conservation Areas) Act 1990, §26A, 26B; Enterprise and Regulatory Reform Act (ERR) 2013, §60; see Ancient Monuments and Archaeological Areas Act 1979, §17 for similar agreements.

⁵⁴ NLHF 2021.

⁵⁵ Natural England 2008.

⁵⁶ Holland and Rawles suggest ‘conservation is about negotiating the transition from past to future in such a way as to secure the transfer of maximum significance... through negotiation between cultural and natural imperatives’ (1994, 46).

⁵⁷ National Parks and Access to the Countryside Act 1949, §5.

⁵⁸ MHCLG, 2019a, §170.

⁵⁹ MHCLG, 2019a, §174.

⁶⁰ Fluck and Jeffreys 2021. See also Russell 2021 on ‘biocultural heritage.’

⁶¹ MHCLG 2015.

⁶² Fluck 2016, 21.

⁶³ Natural England and RSPB 2019, 21. Think pieces by Galbraith Stroud 2021; Mosedale et al. 2021; and Thomas et al. 2021.

⁶⁴ Natural England and RSPB 2019, 21.

⁶⁵ Natural England and RSPB 2019, 22.

⁶⁶ See, for example, European Commission 2019. Some of the challenges of integrated management in practice, including applying appropriate frameworks, is discussed in Clark 2021.

⁶⁷ Clarke et al. 2011.

⁶⁸ The Charity Commission 2014.



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