

# PORTS AND THE HISTORIC ENVIRONMENT

## NHPP 4A3 (HISTORIC PORTS, DOCKYARDS, HARBOURS AND COASTAL RESORTS)

PROJECT NO. 6264

FINAL REPORT: SEPTEMBER 2014

**Fisher Assoc. Ltd (t/a Fisher Associates)**

**Fisher Associates, April House, Rowes Lane, East End, Lymington, SO41 5SU, UK**

**Tel: 44 1590 626 220 [www.fisherassoc.co.uk](http://www.fisherassoc.co.uk)**

**Company Number: UK 7449155**



1. Introduction	2
2. Historic environment within the context of port policies and publications	4
3. What is the historic environment?	8
4. How ports deal with the historic environment	10
5. How English Heritage engages with ports	20
6. Strategy for English Heritage to work with ports	23
7. Conclusions and implementation	28

## 1.0) Introduction

English Heritage appointed Fisher Associates to consider and demonstrate how the historic environment can be better addressed by the port industry, particularly with respect to the strategic development of ports.

The original aim of the study was to specifically consider port master plans, and Heritage Partnership Agreements (HPAs). Following initial stakeholder liaison, it was concluded that the aim should be broader in context:

*To develop practical proposals to assist English Heritage in conserving the historic environment in ports and harbours, through consultation with the industry on how they accommodate the historic environment agenda, how liaison with English Heritage works, lessons learned, and win-win proposals for enhancing conservation of the historic environment.*

## 1.1) Scope of work

The scope of work (see right) comprised desk-based analysis supported by selective industry consultation.

The focus of the work centred on defining potential proposals to be taken forward, which are in alignment with English Heritage objectives, while at the same time being acceptable and desirable to port industry stakeholders.

## Scope of work - summary

Task A: Inception meeting: to confirm scope of work, timescales and deliverables.

Task B: Preliminary liaison with stakeholders: discussions with Department for Transport (DfT), British Ports Association (BPA) and the UK Major Ports Group (UKMPG) to obtain views and input into study.

Task C: Desk-based analysis: review and analysis of how relevant policies and publications consider the historic environment.

Task D: Current practices (case studies): detailed interviews with several ports and local heritage officers to ascertain how ports accommodate the historic environment agenda, how liaison with English Heritage works, lessons learned and win-win proposals for enhancing conservation.

Task E: Defining objectives and options: objectives will be developed against which a range of options will be assessed. The study will investigate what might be accomplished by English Heritage, in consultation with the industry.

Task F: Stakeholder consultation: the 2<sup>nd</sup> Draft Report will be circulated to BPA, UKMPG, DfT and the Marine Management Organisation (MMO) in a formal stakeholder consultation process, the responses of which will be incorporated into the final recommendations and report.

Task G: Conclusions and implementation: a final report will set out conclusions with regard to viable proposals and actions to take forward.

## 1.2) Information reviewed

- National Policy Statement for Ports (DfT, 2012).
- UK Marine Policy Statement (HM Government & Devolved Administrations, 2011).
- Ports Strategic Partnership (HM Government, 2013).
- Opportunities for Ports in Local Authority Ownership (DfT, 2006).
- A Guide to Good Practice on Port Marine Operations (DfT, 2013).
- Modernising Trust Ports second edition (MTP2) (DfT, 2009).
- Guidance on the Preparation of Port Master Plans (DfT, 2008).
- Webtag Transport Appraisal Guidance (DfT, Updated 2014).
- National Planning Policy Framework (NPPF) (Department for Communities and Local Government, 2012).
- NPPF Planning Practice Guidance website (Department for Communities and Local Government, 2014).
- Town and Country Planning Regulations (EIA) Guidance (2014).
- Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (English Heritage, 2008).
- A Practical Guide to the Strategic Environmental Assessment (SEA) Directive (Office of the Deputy Prime Minister, 2005).
- Strategic Environmental Assessment, Sustainability Appraisal and The Historic Environment (English Heritage, 2013).
- Ports: the impact of development on the maritime historic environment (English Heritage, 2007).
- Sustainability Appraisal (HM Government Planning Practice Guidance, 2014).

## 1.3) Stakeholder engagement

The engagement completed to date includes:

- Meetings with BPA, UKMPG (these represent the UK's port industry) and DfT.
- Engagement with eight ports and several local English Heritage regional officers to inform the preparation of case studies.

The second Draft Report was circulated to BPA, UKMPG, MMO and DfT for comment.

## 1.4) Structure of this report

This report is structured as follows:

- Introduction.
- Historic environment within the context of port policies and publications.
- What is the historic environment?
- How ports deal with the historic environment.
- How English Heritage engages with ports.
- Developing a strategy for English Heritage to work with ports.
- Conclusions and implementation.

## 2.0) Introduction

Ports draw on a wide range of policies and publications to assist them both in managing their daily operations and in developing their future plans. A review of such literature has been conducted with a view to ascertaining the extent to which the topic of managing and considering the historic environment is covered.

The following literature has been reviewed:

- Port-related policies and literature: national policy and strategy statements for the port sector and marine environment in England.
- Publications pertaining to environmental impact assessment/planning at project and programme level, relevant to the port sector, as well as other sectors and publications specifically focussed on the historic environment and conservation.

## 2.1) Port-specific policies and literature

There are several key port policy documents at national level, particularly the National Policy Statement for Ports (NPS), which provides a framework for decisions on new development proposals and carries weight in the case of nationally significant infrastructure projects and the Marine Policy Statement, which provides planning guidance pertaining to the marine environment.

These policies are supported by guidance on developing master plans and more operational guidance such as the Port Marine Safety Code and its supplements.

## 2.2) Planning and the historic environment

There is literature available on how the historic environment should be considered within the planning environment, ranging from an overarching planning framework which sets out how conservation of the historic environment should be considered, to specific appraisal guidance on how to assess the impacts of new developments on the historic environment.

There is guidance on undertaking Sustainability Appraisals and Strategic Environmental Assessments (SEAs) which are applicable to plans and programmes at a strategic level.

English Heritage has also produced guidance on the sustainable management of the historic environment, which aims to set out a logical and consistent approach to making decisions and offers guidance on all aspects of the historic environment (Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment).

## 2.3) Assessing the relevance

Each publication has been assessed in terms of how far it considers the historic environment:

- Are there specific objectives relating to the historic environment?
- Is there a clear definition of what the historic environment represents?
- What kind of information/guidance on the historic environment is provided?

The Tables overleaf provide a summary of the literature reviewed, followed by an assessment of their applicability in the port sector.

Port specific policies and publications	Objectives concerning the historic environment	Definition of the historic environment	Information regarding the historic environment
<b>National Policy Statement for Ports:</b> provides a framework for decisions on proposals for new developments in the port sector and sets out the Government's conclusions on the need for new port infrastructure.	New port infrastructure should <i>'ensure that access to and condition of heritage assets are maintained and improved where necessary'</i> .	NPPF Appendix 2 Glossary.	Information for decision makers on the assessment of potential impacts with reference to more detailed guidance documents.
<b>UK Marine Policy Statement:</b> a framework for preparing Marine Plans and taking decisions affecting the marine environment.	<i>'Ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and our heritage assets'</i> .	NPPF Appendix 2 Glossary.	Information for decision makers on the assessment of potential impacts with reference to more detailed guidance documents.
<b>Port Strategic Partnership Framework (HM Government):</b> strategic framework to support partnership working between the port industry and UK Government departments.	No reference to the historic environment.	No definition.	No specific information or guidance.
<b>MTP2:</b> guidance representing best practice within the trust port sector.	Concept of 'stakeholder benefit' refers to activities such as environmental protection, though not the historic environment specifically.	No definition.	No specific information or guidance.
<b>Guidance on the Preparation of Port Master Plans:</b> guidance to assist ports in the preparation of master plans.	The master plan should: <i>'set out what environmental measures will be taken to ensure that not only are adverse effects mitigated, but as far as possible the port makes a positive contribution to environment and amenity'</i> .	Potential environmental impact defined as <i>'cultural and architectural heritage.'</i>	Guidance on setting out environmental impacts of developments, outlining mitigation measures/measures to offset residual impacts.
<b>Port Marine Safety Code:</b> applies to all harbours facilities, berths, terminals and marinas and sets national standards for all aspects of port safety.	No reference to the historic environment.	No definition.	No specific information or guidance.
<b>A Guide to Good Practice on Port Marine Operations:</b> supplements the Port Safety Marine Code offering guidance and information on a number of issues.	<i>'An obligation to conserve, and promote the safe use of the harbour'</i> .	No definition.	No specific information or guidance.

Planning/historic environment specific literature	Objectives concerning the historic environment	Definition of the historic environment	Information regarding the historic environment
<b>National Planning Policy Framework:</b> sets out the Government's planning policies for England and how these are expected to be applied.	One of 12 core planning principles: ' <i>to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations</i> '.	NPPF Appendix 2 Glossary.	Advice on how local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment.
<b>Webtag Transport Appraisal Guidance:</b> provides guidance on appraising the impacts of transport proposals.	To assess the impacts of transport proposals on the built and natural environment, and on people.	Definition similar to that in NPPF Appendix 2 Glossary.	Detailed appraisal framework which considers heritage assets in terms of 'form', 'survival', 'condition', 'complexity', 'context' and 'period' along with appraisal in terms of geographical context, rarity, significance and impact.
<b>Town and Country Planning Regulations (EIA) Guidance:</b> policy guidance and regulation relating to the preparation of Environment Statements (ESs) and Environmental Impact Assessments (EIAs).	The aim is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of such effects, and takes this into account in the decision making process.	NPPF Appendix 2 Glossary.	Sets out requirements for preparing an ES or EIA, which involves a description of the assets likely to be significantly affected by the development, such as the architectural and archaeological heritage.
<b>Strategic Environmental Assessment (SEA), Sustainability Appraisal (SA) and The Historic Environment:</b> focusses on development plans, and is also applicable to Local Transport and other plans.	Principles to cover when analysing the historic environment in the context of SEA/SA process, with a view to ensuring that the impact of a proposed plan or programme on the historic environment is adequately addressed.	NPPF Appendix 2 Glossary.	High level guidance on how to address the four key stages within the SEA/SA process: screening, scoping, reporting and decision to adopt.
<b>Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment:</b> provides a comprehensive framework for the sustainable management of the historic environment.	English Heritage's aim in this document is to set out a logical approach to making decisions and offering guidance about all aspects of the historic environment.	Glossary of relevant terms.	English Heritage intend that this document will help to create a progressive framework for managing change in the historic environment that is clear in purpose and sustainable in its application.



## 2.4) Literature review – summary

At a strategic and national level **port policy embraces the importance of the historic environment:**

- New port infrastructure should *'ensure that access to and condition of heritage assets are maintained and improved where necessary'* (National Policy Statement for Ports).

- 'Ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and our heritage assets'* (UK Marine Policy Statement).

At the same time, the historic environment is mostly recognised when new infrastructure or developments arise, due to the requirements of the planning process.

**There is very little mention of the historic environment in other port policies and publications** apart from guidance on developing master plans for ports. This guidance is however non-statutory and not all ports use it in developing their strategies and plans.

There is no mention in MTP2 nor in the recent Port Strategic Partnership framework, the purpose of which is to enhance partnership working between Government departments and the port industry.

It is understood that the DfT is in the process of revising the master planning guidance and may be considering revision of MTP2 also.

In contrast to port-specific policies and publications there is **much information available on how to deal with the historic environment in the planning of new infrastructure:**

- There are clear objectives and much more defined and detailed definitions of terminology.

- The various forms of guidance on how to appraise and evaluate the impacts of projects on the historic environment are well developed.

**The port sector is familiar with such publications, given the regulations and requirements of the UK's current planning processes.**

The review included two English Heritage publications which provide useful information and guidance on how to deal with the historic environment:

- Strategic Environmental Assessment (SEA), Sustainability Appraisal (SA) and The Historic Environment.

- Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment.

**While these publications could be beneficial for ports, it seems likely that at present few ports have considered these in their strategy development.**



### 3.0) Introduction

The concept of historic environment can be understood or perceived in different ways by different people and entities.

Many ports have a clear understanding of what the historic environment is, due to the rich historic environment that often exists within a port.

But there are many ports that do not know or understand the extent of the historic environment within their boundaries, and the way in which ports approach their historic environment varies considerably, potentially influenced by a range of factors including commercial viability, future plans and governance structure.

This Chapter describes what the historic environment is, and provides an overview of English Heritage's principles concerning constructive conservation.

### 3.1) The historic environment

The most comprehensive and recognised definition of 'historic environment' is presented in Appendix 2 of the National Planning Policy Framework (NPPF), which superseded PPS5 in 2012.

*'All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of the historic environment that hold significance are called heritage assets'.*

### 3.2) Heritage assets

Annex 2 of the NPPF provides a comprehensive definition of 'heritage asset'.

*'A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are valued components of the historic environment. They include designated heritage assets and assets identified by the local planning authority during the process of decision-making or through the plan-making process'.*

There are many heritage assets that are not currently designated, either because they have not been identified, have not been designated by the Secretary of State, or are outside the scope of relevant legislation. In addition there are assets that do not meet the criteria for inclusion in the 'National List', but are of significant local interest and may be included in a 'Local List', where one has been prepared.

NPPF Paragraph 139 makes clear that *'non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'.*

As defined in NPPF *'Designated Heritage Assets are those assets which have been designated under the relevant legislation'*. These comprise:

- World Heritage Sites\*
- Scheduled Monuments
- Listed Buildings
- Protected Wreck Sites
- Registered Park and Gardens
- Registered Battlefields
- Conservation Areas

\*Heritage assets in the context of a World Heritage Site are relevant with the inscription as a "cultural property".

### 3.3) English Heritage and constructive conservation

English Heritage published *Conservation Principles* in 2008. This sets out the policies and guidance that English Heritage utilises for the sustainable management of the historic environment. Underpinning this document is the need to ensure the most significant components of the historic environment survive in an appropriate manner for the benefit of future generations. To achieve this, it is first necessary to understand the extent and make-up of England's historic environment, and the significance that should be attributed to the varying components that collectively form it. The significance of place and particularly of 'landscape' as a heritage asset may extend beyond that of the sum of its components.

'*Constructive Conservation*' is the broad term adopted by English Heritage for a positive and collaborative approach to conservation that focuses on actively managing change. The aim is to recognise and reinforce the historic significance of places, while accommodating the changes necessary to ensure their continued use and enjoyment.

While enjoyment of and access to the historic environment by the wider public is seen as desirable, English Heritage acknowledges that there are times where this will not be possible for reasons of commercial confidentiality, national or operational security, or health and safety. However, in such circumstances it is important that the historic environment is still respected and retained for a future time when restrictions on accessibility and enjoyment may change. There are a number of examples where English Heritage has worked with owners of major property portfolios to ensure this happens. A recent example is England's prisons.

### 3.4) Case study: English Heritage working with the Prison Service

English Heritage undertook a four year research programme with the co-operation and support of the Prison Service. This helped to build a close working relationship and improved the understanding within both English Heritage and the Prison Service of each other's concerns.

It allowed English Heritage's interest and concern about the historic environment to be a factor in programmes to improve security and living conditions within prisons. Where change has taken place, records have been created to document the state of the historic fabric prior to intervention.

In 2013 English Heritage worked closely with the Ministry of Justice (MoJ) regarding nine historic prisons that were scheduled for closure.

For English Heritage, this cooperation yielded revised archive reports, new record photography, improved and new designations, and an in-depth understanding for those staff who would deal with subsequent applications for development at these sites.

The MoJ gained clarity about what concerned English Heritage, the extent of designated structures within the sites, and perhaps most importantly improved its development planning thanks to a better appreciation of English Heritage's views.

English Heritage employed the principle of *Constructive Conservation* to demonstrate that it was not against change *per se*, and through early involvement was able to assist the MoJ to successfully manage the inevitable change that would take place, while ensuring the architectural and historic significance of the various sites survived.

## 4.0) Introduction

One of the key objectives of this research was to ascertain how ports deal with the historic environment.

To achieve this, detailed discussions were held with eight ports in England (as listed in paragraph 4.2) in order to develop an understanding of:

- How different models of port administration might accommodate the historic environment agenda.
- How liaison with English Heritage works.
- Best practice and lessons to be learned.
- Views on what might constitute win-win proposals for enhancing conservation.

This Chapter provides a short overview of the port industry in the UK, and a summary of key findings arising from the case studies.

## 4.1) Overview of port industry in the UK

This might be summed up in one word: diversity. There are perhaps c. 100 commercial ports in England ranging from the large port conurbations (e.g. Liverpool, Southampton, Humber), to small coastal wharves (e.g. Truro, Langstone). These all have a role to play in the UK's transportation network.

This collection of ports has a mixture of ownership structures:

- Military Ports with a QHM (Queen's Harbour Master): Portsmouth and Plymouth.
- Municipal Ports: owned by local authorities (e.g. Portsmouth International Port, Sunderland).
- Trust Ports: independent statutory bodies (e.g. Dover, Poole).
- Private Ports: owned by private companies (e.g. ABP, Peel Ports).

The Harbours Act 1964 places on all of these a responsibility (section 48) to consider the environment in their management of a port or harbour, including having regard to any building, site or object of archaeological, architectural or historic interest.

All ports will be operating in accordance with the Harbours Act 1964.

## 4.2) Port case studies

In-depth discussions were held with eight ports. These were selected based on a number of criteria:

- To reflect a range of governance structures.
- Some ports were selected on the basis that they have heritage assets within their boundaries.
- Some ports were suggested in consultation with BPA and UKMPG.

Model	Case study port
Trust	Cattewater Harbour (Plymouth)/Port of London (PLA)/Port of Tyne
Private	Port of Liverpool/Port of Sheerness (Peel Ports Group plc)
Municipal	Port of Ramsgate/Port of Weymouth
Mixed	Chichester Harbour (trust/municipal)

The selection of ports is not intended to be representative of all ports, rather to present a 'snapshot' of how ports might deal with the historic environment. The information provided in the following paragraphs is based on that provided by the ports.

## 4.3) Port discussions

Discussions with each port explored the following:

- What is the port's historic environment and to what extent does the port incorporate heritage assets?
- What recent activities have impacted on the historic environment?
- Is the historic environment considered within any master plans/strategies?
- Are there any specific procedures/committees that deal with historic environment/heritage assets?
- What does historic environment mean for the port, how important is it, what are the benefits and dis-benefits?
- What is the nature of the port's engagement with English Heritage and others?
- What can English Heritage do to improve conservation of the historic environment?

11

## 4.4) English Heritage discussions

Discussions were also held with several locally based English Heritage staff whose work can involve providing advice for port development projects. The following questions were explored:

- Do you think there needs to be a better, clearer definition of what 'historic environment' and 'heritage asset' mean within the port context?
- What is your view on how the port sector currently deals with the historic environment and heritage assets?
- What would encourage ports to better support the historic environment agenda?
- What options should or could be explored by English Heritage to enhance conservation of the historic environment in ports?



#### 4.5) Historic environment and heritage assets within ports – a snapshot

The nature and extent of the historic environment and heritage assets varies between ports, which is reflected across the ports considered in the consultation:

•**Chichester:** there are listed buildings and scheduled monuments within the port boundary and beyond, some owned by the harbour, others owned by private landlords or the Council. There are also wrecks and archaeological artefacts on the seabed.

•**Liverpool:** there are several listed buildings within the port, such as a sugar silo/warehouse and pump houses, and part of the sea wall is within the World Heritage Site. There is a swing bridge and aqueduct on the Manchester Ship Canal (while not in “the Port of Liverpool”, these are owned by Peel Ports Group) and the remains of a monastery within the oil terminal.

•**London:** the PLA owns several listed structures – the Richmond Lock and Weir and a non-operational lighthouse. There are many archaeological aspects, landscapes and wrecks on the river bed. The Thames River is rich in history with many listed buildings and World Heritage Sites along it, although these are not owned by the PLA.

•**Plymouth:** the Cattewater Wreck sits at the entrance to the Cattewater. Within the wider port and surrounding area there are many historic structures (piers, wharves, submerged landscapes, etc.).

•**Ramsgate:** the whole harbour area is within a conservation area and has an extremely rich history concerning maritime rescue and strong connections with the Napoleonic Wars and World Wars I and II.

•**Sheerness:** significant presence of heritage assets within and around the port boundaries – there are approximately 14 listed buildings + one scheduled monument in the port, 12 of which are on Buildings at Risk Registers.

•**Tyne:** several infrastructures are listed or historical, such as piers, dock gates, a swing bridge and lighthouse.

•**Weymouth:** few listed buildings other than the harbour office. At the same time there is a rich history: King George bathed in the sea here and the port owns the pier where D-Day departures took place.

For some ports, historic environment is significant, given the volume of known heritage assets within their boundaries

Listed buildings and structures such as old warehouses, pump houses, piers, walls, lighthouses, bridges and items on the seabed are typical within ports

Not all listed buildings are in use, particularly those that are located within the working port environment

#### 4.6) Activities relating to historic environment

The sense of relationship that ports have with their historic environment varies. The model of port may influence this, in the context that ports with a wider purpose and governance structure are likely to be particularly proactive. Some examples follow.

##### Port activities

**Chichester:** the harbour is active in terms of managing/maintaining assets and education/information provision:

- Education sessions, events and activities relating to specific historical aspects for the benefit of residents and visitors.
- Heritage buildings are used for internal training, as well as hosting events.
- Updating and improving interpretation and information displays.
- Conservation of rural buildings within the port boundary.
- Archaeological Research Framework to pull together information about the harbour's archaeology.
- Working with local businesses/individuals to purchase land with a view to preserving historic/natural interests and provision of grant funding.

##### **Tyne:**

- Hosts English Heritage Open Days for the lighthouses and swing bridge.
- Marketing and management of tours for the swing bridge and exhibition.
- Ongoing maintenance of the swing bridge, which is not an operational asset.
- Dialogue/agreement with local Council/other stakeholders on port development restrictions in relation to the adjacent candidate World Heritage Site (Wearmouth-Jarrow).
- Dock infill which resulted in dock gates being covered.

##### **London:**

- Hosts English Heritage Open Day for Richmond Lock.
- Ongoing maintenance of Richmond Lock which is an essential piece of infrastructure for the River.
- Refurbishment of the recently listed lighthouse.

**Ramsgate:** through their forthcoming Management Plan, buildings will be improved and the harbour promoted as a heritage destination.

##### **Liverpool:**

- The only heritage asset in use is the sugar silo, for handling bulks.
- One pump house has been restored due to large North West Development Agency (NWDA) grant received.
- Another pump house is in poor condition and is causing some risks within the port. The owner intends to make the building safe from an operational point of view.

**Sheerness:** to date the owner has not invested in maintaining the heritage assets given the high cost of doing so. This will be addressed however in the new strategy.



#### 4.7) What does historic environment mean for ports?

The historic environment means different things for different ports:

- Chichester stands out in that it has a responsibility to conserve the natural and historic environment under the 1971 Act with which it was created – the historic environment is at the core of its activities.
- The trust ports interviewed recognise the importance of the historic environment – the PLA manages the River and considers that this role encompasses the historic environment; the Port of Tyne is proud of its heritage assets.
- For the Council that owns Ramsgate, the historic environment to date has not been a priority as the focus has been on reducing unemployment and increasing economic activity. However, the value of heritage is starting to be recognised as a potential opportunity, which can impact positively on tourism, income and jobs.
- Liverpool/Sheerness: the owner recognises and understands the importance of the historic environment, given the number of heritage assets within the port boundaries of Liverpool and Sheerness. The owner considers that there may be an incongruence between an absolute objective of conservation of heritage assets that have no operational relevance or benefit for the port enterprise, and yet are also inaccessible for any other use, and therefore lack a purposeful context.

#### 4.8) Dis-benefits perceived by ports

The historic environment can create more issues than benefits, particularly if the asset cannot be re-used. Listed buildings within a working port environment can be a liability.

It is not easy to turn an asset into a non-port operational building or attraction that requires access to the public – there are security, health and safety risks to consider. There can be a major conflict between heritage aims and statutory port security requirements.

The cost of maintaining listed buildings and other structures can be very high and complex.

Some ports feel 'lumbered' with heritage assets, and that heritage organisations are expecting too much from the owners.

Heritage organisations do not always understand what a working port environment is – and can therefore be perceived as inflexible.

Historic environment can be restrictive in terms of future port development.

Some ports feel that there are no dis-benefits.

#### 4.9) Benefits perceived by ports

The historic environment has a 'social' benefit, particularly the appreciation of assets by existing and future generations.

For some ports there is no benefit operationally, though it is recognised that there are benefits for residents, tourism and the economy.

The historic and archaeological nature of a port enhances the overall beauty and attractiveness of the location.

There are benefits if a heritage asset can be re-developed and re-used.

Two ports commented on the success of holding Heritage Open Days.



#### 4.10) Master plans, strategies and inclusion of the historic environment

The ports interviewed employ different methods for planning their future developments – at the same time they consider the historic environment in different ways.

**Not all ports have a master plan or long term strategy:**

- London and Cattewater have no requirement for a master plan as they are not engaged in an operational/cargo-handling role.
- The Port of Tyne has a 5-year plan.

**Not all ports consider the historic environment within their current strategies:**

- Weymouth's 'A Business Plan for Weymouth Harbour 2014 – 2019 and beyond' does not consider the historic environment.

**The ports that are cognisant of the historic environment address it in different ways:**

- The Port of Tyne includes activities relating to conservation of the historic environment within its 5-year plan.
- For Sheerness a high level heritage strategy is being developed as part of the master plan.
- The Port of Ramsgate is developing a Conservation Management Plan which will consider the historic environment and heritage assets in detail, in terms of how they can be maintained, managed and developed in the future. A Management Agreement with English Heritage will be established as part of this plan (e.g. a Heritage Partnership Agreement).
- Chichester Harbour has a 5-year Management Plan, and the natural and historic environment is at the core of this.

**Several ports said that they would welcome support from English Heritage in their preparation of plans and strategies.**

Master planning guidance is not relevant to all ports – and it is non-statutory

Some ports are considering stand alone strategies for historic environment

Generally ports would like assistance and support while they are developing their strategies

#### 4.11) Processes and committees

Ports (e.g. Tyne, Sheerness, Liverpool, London, Cattewater, Weymouth) liaise mostly with the relevant local authority stakeholders as and when it is necessary rather than attending specific planning committees.

- PLA deals with over 20 Boroughs, two Counties and the London Mayor on a regular basis, though not via committees.

- Chichester is very much involved in the planning process, playing a key role concerning applications that go beyond the harbour boundaries as well as working with local agencies to develop 'undertakings', roles and responsibilities, which are set out in the 5-year plan. It also sits on external committees such as the Solent Forum and Visit Chichester. There are 37 Board Advisory and Committee Members representing the local authorities and harbour users.

- In Ramsgate the Council's Conservation Officer sits within the Harbour Officer Group, supporting and advising the port.

- In Plymouth the Tamar Estuaries Consultative Forum (TECF) works closely with port stakeholders, and has a specific Port of Plymouth Marine Liaison Committee. The forum has a management plan for delivering a sustainably managed estuary and coast: all marine planning applications are considered by the forum.

#### 4.12) Relationships with English Heritage

The ports of Tyne, Liverpool and Sheerness liaise with English Heritage as and when projects and issues arise.

The Port of Tyne sends out quarterly magazines, invitations to AGMs, dinners and events – stakeholder communication is seen as important. When engagement does take place it is often at project level – the CEO has never had any direct contact with English Heritage.

In Ramsgate, English Heritage is consulted /involved in planning applications.

The ports of Cattewater, Weymouth, Chichester and London report different levels of engagement with English Heritage.

Chichester Harbour engages with many other national Government agencies but not English Heritage, while the PLA report little engagement with English Heritage at present. The PLA deals with a large number of riparian boroughs on a regular basis and within this context there has been no constant visibility of English Heritage.

English Heritage on the other hand reports that engagement does occur at officer level in support of licensing activities within PLA jurisdiction and that more strategic liaison at senior management level would be helpful.

Engagement is mostly reactive and project-led apart from at Chichester, which is not a typical port authority

Level of engagement with English Heritage is variable

Only two ports could name their English Heritage contact – there is a lack of consistency in personnel

#### 4.13) Views on potential win-win proposals for enhancing conservation

##### **Initial list of proposals**

The case study ports were asked to provide their views on a number of potential proposals for enhancing conservation, as well as identify any additional proposals that they felt might be applicable:

- Building better relationships: the port sector and English Heritage need to build solid relationships, initially through the industry bodies, but also with individual ports for planning and project development.
- Updating master planning guidance (or other guidance publications) with an additional section intended to assist ports in managing their historic environment and heritage assets.
- Heritage Partnership Agreements (HPAs), which are mutually agreed arrangements, based on consensus between the parties, and voluntary to enter into. While not applicable to all ports, should there be several listed buildings or heritage assets of a similar nature within the port boundaries, an HPA (non-statutory or statutory) could create efficiencies in terms of dealing with all assets in one package. It could also be applied to assets not yet designated.

##### **Building better relationships - views**

When asked what English Heritage could do to enhance conservation of the historic environment within the port sector, there was a strong consensus that English Heritage and the ports would both benefit from better engagement.

• *‘English Heritage needs to walk before it can run’.*

• *‘Perhaps English Heritage should think of the ports as key stakeholders for them?’*

• *‘The people engaging with the port industry need to be tactful’.*

• *‘English Heritage and other heritage organisations often do not understand why buildings cannot be re-used within a working port environment’.*

• *‘Active engagement at local level is preferable to central policy level amendments’.*

• *‘English Heritage could definitely play a more supportive role at a local level, in terms of providing background and advisory assistance’.*

Engagement with individual ports is seen as desirable.

• Some ports feel that having a known point of contact would be beneficial – preferably someone who is constant and understands the port environment.

• English Heritage would learn more about the working port environment and how the heritage assets fits with that situation.

• Engagement with English Heritage would be beneficial particularly regarding support for writing strategies and business plans.

## 4.13) Views on potential win-win proposals for enhancing conservation (cont.)

**Updating master planning/other guidance - views**

There were mixed views regarding the possibility of updating master planning guidance:

- *'Master planning guidance is irrelevant for many ports such as ourselves'.*
- *'On one hand this would be pointless as the guidance is non-statutory, while on the other more information on how to manage your historic environment within the context of a working port would be useful'.*
- *'It would be a good thing'.*
- *'English Heritage needs to tread carefully – ports are already weighed down by red tape'.*

As the guidance is non-statutory it might not have a significant impact on what ports choose to include in their master plan – and it is the case that not all ports use the master planning guidance.

Some ports felt that more information regarding historic environment would be useful – one suggested that there could be an acknowledgement from English Heritage regarding the implications of heritage within a working port environment.

Guidance and support on how to deal with the historic environment and heritage assets would be useful – mirroring many of the ports' desire for support and advice generally.

One port suggested that guidance on how to deal with historic environment and heritage assets could be included in the revised MTP2, while stressing that this advice should be for all ports and not just trust ports. It could be a subject that ports are encouraged to report on in their annual reports.

**HPAs - views**

Ports with a significant contribution to the historic environment see the potential benefits of HPAs:

- *'The concept of having a (non-statutory) HPA is fine – however at the crux of it is a good relationship: if there is no engagement then the agreement is pointless'.*
- *'A (non-statutory) HPA could provide an easier way of dealing with heritage assets'.*

Some concern was expressed with regard to the statutory nature of HPAs – many ports were concerned that the statutory nature could mean enforced rather than voluntary partnerships, which is not the case.

Within this context several ports suggested that anything statutory would not be acceptable. One port commented that *'there is already a lot of statutory protection around heritage assets with many procedures in place'* – and that *'more is not required'*.

Heritage Partnership Agreements (HPAs), whether non-statutory or statutory, will not necessarily be applicable to all ports. Their preparation involves significant up-front work and that commitment is only likely to be worthwhile where a port is likely to be involved in repetitive works to a listed building and/or where the port has a number of similar listed buildings where repetitive applications for listed building consent are likely to be encountered. In the right circumstances HPAs will offer a port an opportunity to simplify the bureaucratic process associated with managing and maintaining a listed building. Entering into an HPA of any type is entirely voluntary.

#### 4.13) Views on potential win-win proposals for enhancing conservation (cont.)

##### **Other potential proposals - views**

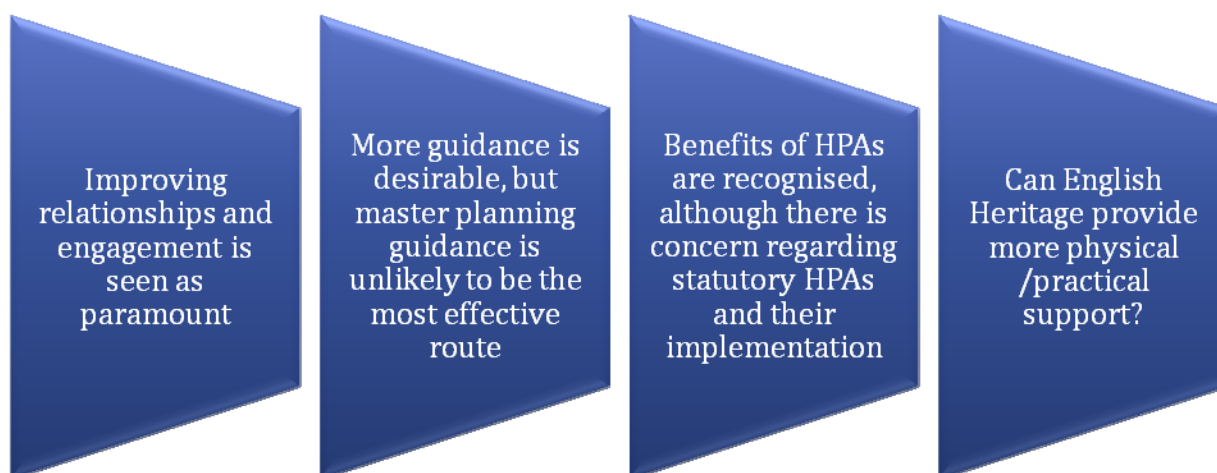
*Greater level of financial/marketing/operational support from English Heritage*

One or two ports commented on the burdensome nature of their heritage assets, in terms of ongoing cost and management – if English Heritage were to offer a higher level of financial support or facilitate grant funding opportunities, it might enable more assets to be re-used for port operations or made available and accessible to the public – this would be a win-win situation for both the port and English Heritage.

Similarly one port expressed the view that while it carries out the marketing for its heritage asset, it would benefit from English Heritage's advice on how to do this.

*Consideration of options for taking on responsibility for heritage assets*

One or two ports suggested that their heritage assets would thrive if they were taken over or bought by a relevant agency such as English Heritage. For one port in particular, this would enable the segregation of port operations from the heritage area within the port's boundaries, removing the conflicts between the two.



### 5.0) English Heritage – views on engaging with ports at a local level

Discussions were conducted with English Heritage officers from three regional offices – the North West, North East and South East.

***Level of engagement varies, but tends to be reactive rather than proactive***

Engagement with ports varies across the regional offices, dependent on the particular situations within the ports in each region.

Most of the regional offices will have or have had dealings with ports on some level.

The officers consulted reported that the main dealings with ports concerned development proposals and statutory consultation and comment/input into master plans.

Engagement tends to be reactive rather than proactive. One good example of a successful relationship is with Dover Harbour Board.

***Engaging with ports is not a priority for all***

Not all regions see engaging with ports as a priority, nor do they proactively seek to engage with the port sector at present. In some instances the local authority will be the key agency with no requirement for English Heritage.

***There is often no dedicated English Heritage point of contact***

English Heritage is structured such that a port might deal with several individuals, depending on what the issue or project is (there are several delivery teams, each dealing with specific topics); thus there is not always a 'relationship manager' or constant point of contact.

Engagement is not always with senior management, it is often at the project level and reactive, often associated with the statutory requirements of the planning process.

***Proactive engagement is beneficial***

There can be mistrust or fear on the part of the port with regard to what English Heritage is aiming to achieve. If some of this perception was addressed through effective engagement, it could benefit the ports and English Heritage. If the port feels that it can call up a known person within English Heritage it might turn the relationship into a proactive rather than reactive one. At the same time, if engagement can take place at an earlier stage in development of proposals or strategies, it could impact on the outcomes through establishing a mutual understanding of issues.

The relationship between English Heritage and the Port of Dover is proactive and fruitful. English Heritage was involved at early stages in the port's strategy development, participating in workshops to determine options for future development. The close working relationship has led to a mutual understanding and respect, enabling give and take on both sides.



There are some difficult relationships with ports – in one case, the port is perceived as focussed on development and only seeks input from English Heritage when it has to. English Heritage does not have sufficient time to understand the issues in depth and does not feel that the port is embracing its heritage appropriately. As a result every discussion involves conflict and disagreement.



### 5.1) English Heritage – additional views on win-win proposals

#### ***Is the current definition of historic environment sufficient for the port sector?***

One officer commented that the NPPF definitions are sufficient and that there needs to be one definition only, which is also that used by Government for planning legislation.

Others commented that through closer engagement English Heritage could help ports better identify the historic environment within their boundaries. In many cases English Heritage – and possibly the ports themselves – do not know what exists within the port estate.

#### ***Building better relationships - views***

*'Relationship management is more important than guidance'.*

*'There is a need to make clear and understand what the roles and responsibilities are, both in terms of English Heritage and the ports'.*

*'A better understanding of both perspectives involved and what is within the port boundaries in terms of the historic environment'.*

For one region, building better relationships with the port sector was not seen as a priority. For others, this was seen as a positive proposal which could be developed in a number of ways:

- Early, proactive engagement with key ports, if possible when they are considering their long term development plans, drawing on the example of Dover as best practice.
- Building relationships at senior management level, stepping back from the conflicts and issues that might arise at project level. One officer suggested one-to-one sessions with the CEOs of key ports in the region, which could be led by regional directors in the first instance.

- One option suggested was to agree 'ground rules' with a view to developing a relationship. That is, setting out what the port's views, issues and objectives are, alongside those of English Heritage. Once both parties agree on their starting points, a proactive approach could be taken with regard to how they can better meet in the middle.
- English Heritage needs to show willing – for example, accepting invitations to events – in order to break down barriers and address negative perceptions.

Comments were made regarding the approach to engagement, that it should generally be about establishing relationships, and be tactful in nature: avoiding discussion about contentious issues such as current planning applications, etc. The conversation could be planned to cover topics such as a) understanding the port's current issues with heritage, b) heritage open days, c) removing heritage from risk, d) English Heritage's aims and objectives, e) how the port would like to engage with English Heritage.

If new guidance is prepared, this could be used as a lever for facilitating the engagement – it would provide a good discussion point for the meeting and assist in unravelling some of the key issues and how they might be dealt with.



### 5.1) English Heritage – additional views on win-win proposals (cont.)

#### **Updating master planning/other guidance - views**

*'If there is to be guidance, then engagement needs to be at the heart of it'.*

*'Ports are so diverse that a one-size-fits-all approach to guidance might not be appropriate'.*

One officer asked why should there be separate guidance for ports? General guidance on advice for historic environment and conservation principles should apply. There is sufficient general guidance and it is applicable across sectors.

One officer suggested that it is better to produce best practice guidance rather than a set of rules, particularly as the situation varies from one place to another.

Guidance on 'process' – supported by case studies and best practice – would be considered useful. For example, how early involvement with Dover helped them shape a strategy that embraced their heritage.

In terms of defining the historic environment in ports, a high level compendium of historic port structures and buildings might be useful in helping ports identify and embrace what exists within their boundaries.

Relationship management was viewed as more important than guidance. At the same time one officer suggested that any new guidance could be used as the lever for engagement.

#### **HPAs - views**

The English Heritage officers had mixed views on the applicability and success of HPAs:

- One officer felt that it would be applicable for some ports, while another felt it would not be applicable at all.
- Some felt that HPAs are still very new and it is not clear yet whether they are successful or not. One officer reported that pilots in their region have been successful, while another reported that pilots have been unsuccessful.

One officer commented that it could be burdensome to implement an agreement.

English Heritage officers have a valuable contribution to make, as they are the representatives dealing with ports

Views vary on the need for more engagement with the port sector across the English Heritage offices consulted

Further internal consultation within English Heritage is recommended

## 6.0) Introduction

Engagement with the port sector and English Heritage has been fruitful in developing a baseline understanding of how ports might address their historic environment, and how English Heritage operates within the sector.

It is clear that a 'one-size-fits all' approach is difficult given the non-homogenous character of ports, in terms of governance, operation and nature/magnitude of historic environment features within a port's boundaries. The approach also needs to consider ports where disposal or regeneration is on the agenda.

Thus the conclusion is not that one proposal is better than another. Each proposal has some merit in specific circumstances. To this end, a strategy comprising several measures has been defined.

This Chapter sets out:

- A vision for this strategy, supported by a set of objectives that represent English Heritage's aims, and also the views and needs of the port sector.
- A detailed description of the measures that make up the strategy, intended to deliver the objectives.

## 6.1) Strategy vision

***'Working collaboratively, English Heritage and the port industry will seek to improve the management and conservation of the historic environment in line with national policy and the needs of port operational activity'***

## 6.2) Objectives

The following objectives represent the port sector and English Heritage's aims to conserve the historic environment:

- To encourage and assist ports to define their understanding of 'historic environment' and 'heritage assets', and how this fits with their wider operational/commercial context.
- To support and guide ports in how they manage their historic environment and heritage assets now and in the future.
- To better protect heritage assets, particularly those at risk.
- To help ports see the positive impacts that can be created from embracing historic environment aspects.
- To assist ports in understanding the benefits of HPAs, and where appropriate collaborate to set them up efficiently.

It is important to consider other parameters that reflect the views and needs of the port industry:

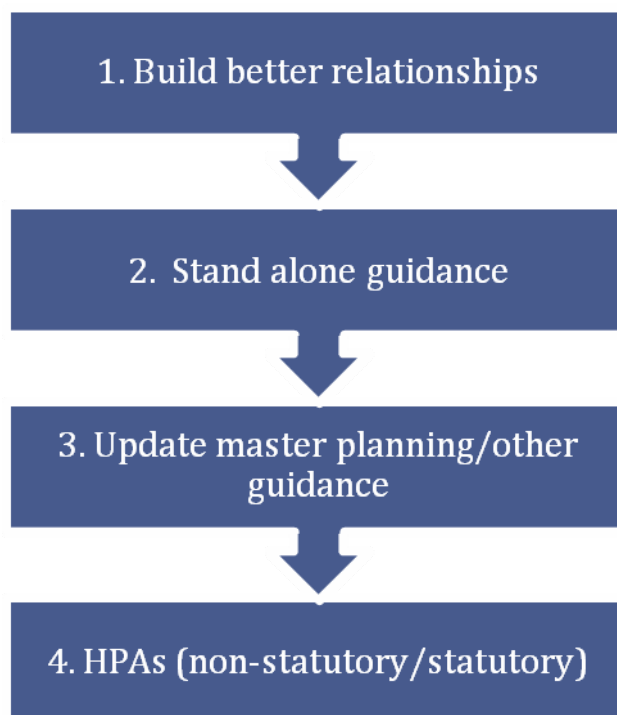
- To reach all ports and not just one segment of the industry.
- To avoid additional administrative burden for ports.
- In alignment with national policy and legal requirements to be acceptable and appropriate to the port industry as a whole.
- To improve English Heritage's understanding of the working port environment.

### 6.3) Defining the strategy measures

The measures proposed to achieve the objectives draw on the findings from the case studies and consultation activities.

There are four elements embedded within the strategy, ranging from general to specific interventions.

- Measure 1: Build better relationships.
- Measure 2: Stand alone guidance on how to deal with the historic environment and heritage assets.
- Measure 3: Updating master planning/other guidance.
- Measure 4: HPAs (non-statutory/statutory).



### 6.4) Measure 1: Build better relationships

This measure forms the backbone of the strategy. The success of all other measures will be reliant on the implementation of this.

The port sector and English Heritage need to build solid relationships, initially through the industry bodies, but also with individual ports for planning and project development.

#### **Action 1. Identify English Heritage resources**

The first step will be to establish the appropriate resources within English Heritage to implement this measure.

- Further internal liaison with regional officers is recommended to identify available resources and willingness to participate. As mentioned earlier, not all regions currently see the need to engage further with the port sector.
- Understand what engagement with the port sector currently takes place.

#### **Action 2. Establish key aims of building better relationships**

English Heritage will need to consider what it wants to achieve from the process and how it will present itself during engagement:

- To better understand the issues experienced by ports with regard to the historic environment.
- To explain English Heritage's objectives.
- To ascertain what kind of role English Heritage should be playing within the port sector, and how this can be developed.
- To improve relationships that are currently experiencing difficulties.

A programme of professional training days and get-togethers for relevant regional officers could ensure a consistency of approach, and provide the opportunity for English Heritage staff to discuss issues as they arise.



## 6.4) Measure 1: Build better relationships (cont.)

### ***Action 3. Establish relationships with BPA and UKMPG***

The initial relationships to be developed will be with the industry groups BPA and UKMPG. These relationships will form the foundation for developing the strategy and relationships throughout the port sector:

- Set up regular meetings with BPA/UKMPG (perhaps three times per year).
- Attend BPA/UKPMG dinners/events, particularly the BPA conference. This is an excellent forum for meeting and getting to know the ports, what their issues are, and providing information about English Heritage.

### ***Action 4. Define plan for building relationships at port level***

In consultation with BPA and UKMPG, English Heritage can determine the approach to building better relationships with individual ports. This could be developed in a number of ways. For example focussing on:

- Key ports within an English Heritage region's territory.
- Ports that wish to engage more with English Heritage.
- Ports that are in the process of developing plans and policies.
- Ports that are known to have a significant historic environment.

## 6.5) Measure 2: Stand alone guidance

This measure comprises the development of stand alone guidance on how to manage and make the most of historic environment and heritage assets within the port sector. With the right relationships and engagement in place, this measure could be very effective as it could reach a wide audience within the port industry.

The aim of this guidance would be two-fold: firstly to enable ports to better understand the historic environment within their boundaries, and secondly to assist ports in developing high level strategies or management plans for their historic environment and heritage assets. The guidance contents could comprise:

- Reasons why a high level historic environment strategy might be useful.
- Describing the port's historic environment.
- How to undertake a high level SWOT analysis and evaluation of heritage assets.
- How to define strategy objectives and options for managing the historic environment.
- How to engage with communities and stakeholders.
- Guidance on funding opportunities.
- How English Heritage might assist.

English Heritage has commissioned other projects relevant to the port sector through the National Heritage Protection Plan.

### 6.6) Measure 3: Updating master planning/other guidance

This measure involves updating the current master planning guidance with an additional section intended to assist ports in managing their historic environment and heritage assets. Potentially other guidance documents, such as MTP2 could be updated in a similar manner. These updates could refer to the stand alone guidance in Measure 2.

English Heritage will need to engage with the port industry and DfT to obtain their buy-in to this, and determine appropriate content. Fundamentally any additional guidance will need to be something that the ports find useful and appropriate. It could comprise the following, for example:

- Mapping the historic environment within the port boundaries and developing an understanding of significance of the components that make up the port's historic environment.
- A fuller description of what the historic environment is and how it might manifest itself in a port environment.
- High level guidance on how to manage and make the most of heritage assets.
- How to deal with specific port-related issues.
- Advice on how to secure additional funding for appropriate conservation of heritage assets.
- How to structure a heritage management plan/strategy.
- Advice on processes, particularly how best to engage with English Heritage.

### 6.7) Measure 4: HPA

Heritage Partnership Agreements (HPAs), whether non-statutory or statutory, will not necessarily be applicable to all ports. Their preparation involves significant up-front work and that commitment is only likely to be worthwhile where a port is involved in repetitive works to a listed building and/or where the port has a number of similar listed buildings where repetitive applications for listed building consent are likely to be encountered. In the right circumstances they will offer a port an opportunity to simplify the bureaucratic process associated with managing and maintaining a listed building. Entering into an HPA whether non-statutory or statutory is entirely voluntary.

A non-statutory HPA enables the parties to agree on which works to a listed building do not require consent, as they do not have an impact on special interest, and on other particulars as appropriate. A non-statutory HPA clarifies rather than consents.

A "Listed Building HPA" enables consent for certain agreed works, in advance and for the period of the agreement. This has a statutory basis and gives *consent*. It is still an *agreement*, and is thus similar to a non-statutory HPA in that it cannot be imposed on an owner (if a grant of consent enabling an owner to do works to a property can be considered an imposition). None have been implemented to date. English Heritage has produced a good practice advice note "Drawing up a listed building heritage partnership agreement" (26/03/2014).

## 6.8) Testing the strategy measures

Each of the strategy measures has its own merits in particular circumstances, with Measure 1 building the foundation for the other measures to be successfully implemented:

- Updating the master planning guidance will assist those ports who use it to develop their longer term strategies, while updating MTP2 will make the guidance available to all trust ports. Such updates would be done in partnership with DfT.
- The stand alone guidance is possibly the most valuable, as this could be made available to all ports. This relies on Measure 1 being properly implemented with ongoing engagement throughout the port sector.
- HPAs will be applicable to only some ports, which should become apparent as the relationship between English Heritage and the port industry grows.

Measure	Benefits to English Heritage	Risks
Measure 1: Build better relationships	<ul style="list-style-type: none"> <li>• High level of acceptability across port industry.</li> <li>• English Heritage will better understand port sector issues.</li> <li>• Any new guidance will be better informed and more appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>• Potential insufficient (English Heritage) resource.</li> <li>• Not possible to engage with all ports.</li> </ul>
Measure 2: Stand alone guidance	<ul style="list-style-type: none"> <li>• Beneficial, as ports want more guidance and support on how to manage their historic environment and heritage assets.</li> <li>• Will benefit ports that want to develop a specific strategy for historic environment/heritage.</li> </ul>	<ul style="list-style-type: none"> <li>• Unlikely to gain buy-in or take up from port industry without initial engagement on content (via DfT/English Heritage).</li> </ul>
Measure 3: Update master planning/ other guidance	<ul style="list-style-type: none"> <li>• Beneficial, as ports want more guidance and support on how to manage their historic environment and heritage assets.</li> </ul>	<ul style="list-style-type: none"> <li>• Master planning guidance is non-statutory so this measure might not have significant impact as ports can choose what they want to include in plan.</li> <li>• Not all ports have a master plan.</li> <li>• MTP2 only relevant to trust ports.</li> <li>• Unlikely to gain buy-in from port industry without initial engagement on content.</li> </ul>
Measure 4: HPA (non-statutory/statutory)	<ul style="list-style-type: none"> <li>• Beneficial for ports with multiple heritage assets.</li> <li>• Improve management/ understanding of heritage assets.</li> </ul>	<ul style="list-style-type: none"> <li>• Perception of additional time and bureaucracy.</li> <li>• Not many have been developed, so no best practice examples in port sector.</li> </ul>



## 7.0) Introduction

To recap, the main objective of this study is *'to develop practical proposals to assist English Heritage in conserving the historic environment in ports and harbours, through consultation with the industry on how they accommodate the historic environment agenda, how liaison with English Heritage works, lessons learned, and win-win proposals for enhancing conservation of the historic environment'*.

This aim is reflected in the defined strategic vision:

***'Working collaboratively, English Heritage and the port industry will seek to improve the management and conservation of the historic environment and heritage assets, balancing this with the needs of port operational activity'***

This Chapter presents key conclusions arising from the study and comments on implementation to guide English Heritage.

## 7.1) Key conclusions – the literature

### ***The information and guidance regarding the historic environment varies within the literature***

At a strategic and national level port policy embraces the importance of the historic environment.

At the same time the historic environment is mostly recognised when new infrastructure or developments arise, due to the requirements of the planning process.

There is very little mention of the historic environment in other port publications.

In contrast to port-specific policies and publications, the core documents of the planning system do set out the obligations of ports towards their historic environment – these form the parameters within which positive engagement between English Heritage and the port sector can influence better outcomes through discussion.

### ***A consistent definition of what the historic environment is, along with an indication of what it might mean for ports, would be beneficial***

Throughout the literature the historic environment is described in many ways, with some descriptions more detailed and complex than others. Clear definitions are provided in NPPF - these should provide the focus for engagement with the port sector, as well as being the definitive definition for most planning contexts.

A further description of what kind of historic environments and heritage assets might exist in a port would be useful, particularly where assets have not been designated or defined. The English Heritage project *North Sea Ports* will go some way to providing this, with Port Heritage Summaries for 19 ports along the East Coast of England.

The historic environment within a port could be related to events during wars, local industrial activities, while heritage assets could include piers, seawalls, slipways, lighthouses, bridges, wrecks, archaeological remains, and structures such as warehouses.



## 7.2) Key conclusions – how ports deal with the historic environment

### ***Historic environment and how it is approached varies across the port sector***

For some ports the historic environment is significant. Some ports have many heritage assets within their boundaries, or key historical events occurred there. Others are of the view that there is no historic environment within their boundaries – although the NPPF definition notes that the historic environment and heritage is present everywhere, including all that is in current use.

The ownership model and governance structure of a port is often distinctive, which in turn may impact on how that particular port relates to its historic environment. Some ports are keen to embrace their heritage, while for others it is felt to be restrictive and burdensome.

### ***Master planning guidance is not relevant for all ports***

Many ports do not prepare master plans, particularly those port organisations that do not handle cargoes. Even some larger ports do not prepare master plans as their markets are fast moving and shorter horizons are perceived to be more applicable.

Master planning guidance is non-statutory, so there is no obligation on ports to consider the historic environment within their plan.

Interestingly some ports are preparing specific strategies and plans to help them manage their heritage assets.

## 7.3) Key conclusions – engagement between ports and English Heritage

### ***Engagement is reactive and project-led in the main***

Based on the case study ports, engagement by ports (concerning the historic environment) with stakeholders, including English Heritage, is generally reactive – only when projects or relevant issues arise.

At the same time, the Port of Tyne is particularly proactive in engaging with English Heritage by sending regular quarterly magazines, invitations to AGMS and other events.

In addition, there is a very close and strong relationship between English Heritage and the Port of Dover, with early involvement in strategic planning.

Chichester Harbour is also proactive, given its remit to conserve the historic and natural environment, through being involved on external committees – although this does not include engagement with English Heritage.

### ***Relationships between ports and English Heritage are often weak***

Most ports only deal with English Heritage as part of the statutory planning process, and four of the eight case study ports reported no or very little engagement with English Heritage: Cattewater, Weymouth, Chichester and London.

Almost none of the ports interviewed could provide names of their English Heritage officer. In some cases people have moved on, and there is no current known contact, which could be due to the restructuring of English Heritage in 2012. One port felt that the current English Heritage officer had not shown an interest in the port compared with the previous officer.

Almost all ports commented that they would like to have support from English Heritage, particularly in preparing strategies and plans.

## 7.4) Key conclusions – stakeholder consultation outcomes

The 2<sup>nd</sup> Draft Report was circulated to port industry trade associations and Government departments as part of a formal stakeholder consultation process, which ran from 6<sup>th</sup> June to 18<sup>th</sup> July 2014. Responses were obtained from:

- Associated British Ports (ABP).
- British Ports Association (BPA).
- Department for Culture, Media and Sport (DCMS).
- Department for Transport (DfT).
- Marine Management Organisation (MMO).
- UK Major Ports Group (UKMPG).

***Stakeholders responded positively to this Report, supporting the conclusions and recommendations either fully or partially***

- ABP: *‘in general we support the conclusions and recommendations that the study provides.’*
- BPA: *‘we believe that the report and its recommendations offer a very good summary of the current situation, contain some sensible conclusions and we would wish to play our part in taking them forward’.*
- DCMS: *‘no comments to offer other than to note that the proposed approach looks sound’.*
- DfT: *‘overall we could support the overall thrust of the recommendations’.*
- UKMPG: *‘in general we are happy with the draft report and have no substantial comments. As for the conclusions, we note a welcome recognition that a ‘one size fits all’ approach will not work’.*

***Most stakeholders agree with measure 1, Build better relationships***

- ‘Some ports may benefit from earlier or more strategic engagement’ (ABP).*
- ‘English Heritage would benefit from port-specific training’ (ABP).*
- ‘Better engagement at a local level is needed to identify heritage assets on port estates’ (ABP).*
- ‘Most ports are not entirely clear about their responsibilities in this area’ (BPA).*
- ‘Welcome recognition of the importance of good working relationships between English Heritage and ports’ (UKMPG).*

***There are mixed views on what kind of guidance is most appropriate***

- ‘Stand alone guidance should not be necessary if measure 1 is well developed’ (ABP).*
- ‘Support amendments to master planning guidance, though this must be subject to DfT and industry involvement’ (ABP).*
- ‘We agree with the promotion of stand alone guidance – master plans focus very much on the commercial development and there are probably more appropriate ways in which ports can express their policies on the historic environment, possibly through other wider strategic documents’ (BPA).*
- ‘Willing to discuss whether anything could be incorporated (master planning guidance), bearing in mind that this guidance is primarily not about content’ (DfT).*
- ‘An overview document outlining available guidance may assist ports and harbours’ (MMO).*
- ‘We recognise the benefits of producing further guidance’ (UKMPG).*

#### 7.4) Key conclusions – stakeholder consultation outcomes (cont.)

##### ***Stakeholders responded cautiously to the measures concerning HPAs***

Three stakeholders (ABP, BPA and UKMPG) commented that the definition and/or merits of HPAs within the report were not clearly explained, and that HPAs are still at a comparatively early stage of development – thus a degree of caution should be given with regard to implementation in the port sector.

This may be because the term “statutory HPA” implies an HPA imposed through compulsion, when in fact it is only by agreement. It is a special type of HPA.

ABP and BPA commented that a voluntary and non-statutory approach is preferable, while ABP noted that HPAs will not be proportionate or appropriate to many ports.

##### ***Other comments***

- UKMPG note a welcome recognition that a ‘one size fits all’ approach will not work.
- BPA note that ports as commercial operators have to cope with many pressures on their time and resources and would expect that the guidance would acknowledge these pressures.
- The DfT and BPA are ready and willing to work with English Heritage on building better relationships and exploring how further guidance could be developed.

#### 7.5) Key conclusions – a strategic approach is required

The initial engagement with ports has confirmed that a ‘one-size-fits-all’ approach to the port sector is not appropriate, and that engaging with the port industry is paramount for successful outcomes. The consultation responses also reflect this.

The strategy comprises four key measures:

- Measure 1: Build better relationships.
- Measure 2: Stand alone guidance on how to deal with historic environment and heritage assets.
- Measure 3: Update master planning/other guidance.
- Measure 4: HPAs (non-statutory/statutory).

Each of the strategy measures has its own merits in particular circumstances, with Measure 1 building the foundation for the other measures to be successfully implemented:

- The stand alone guidance is possibly the most valuable, as this could be made available to all ports. This relies on Measure 1 being properly implemented with on-going engagement.
- Updating the master planning guidance would assist ports that use it to develop their longer term strategies, while updating MTP2 would make the guidance available to all trust ports.
- HPAs, whether non-statutory or statutory, will be applicable to only some ports, which should become apparent as the relationship between English Heritage and the port industry grows. Only a few (non-statutory) HPAs have been implemented to date, thus there is limited best practice to draw from, and there are mixed views on their success.

## 7.6) Implementation

### ***Recommendation 1: communication within English Heritage***

National staff within English Heritage with knowledge of the legislative and policy framework within which ports' operate, are to support English Heritage local office staff to ensure that local engagement supports effective participation in project development.

### ***Recommendation 2: proactive engagement between the port industry and English Heritage***

- Ports should be proactive in seeking the advice of English Heritage to support planning and project development.
- Through the National Heritage Protection Plan English Heritage to identify risks with a view to informing timescales and priorities for engagement.

### ***Recommendation 3: commence Measure 1 Build better relationships***

- This action will inform the development of Measures 2, 3 and 4.
- Follow proposed actions as per Section 6.4.

### ***Recommendation 4: liaise with DfT (and the port industry) regarding Measures 2 and 3***

- DfT to confirm timescales for general updates.
- Agree/confirm content/process with DfT.

### ***Recommendation 5: identify and liaise with ports regarding the potential benefits of developing HPAs***

- Identify processes, best practice and lessons learned.
- Collaborative preparation of agreements as appropriate as measures 1, 2 and 3 are implemented.