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## LEAFLET 12: HISTORIC ENVIRONMENT

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## OVERVIEW

12-1. This leaflet provides the policy and responsibilities reflecting the MOD's statutory and non-statutory obligations in managing its historic environment.

12-2. It is Government policy that all historic assets, for which central Government is directly responsible, meet appropriate standards of care and use. MOD supports the Government's [Statement](#) towards the historic environment by continuing to set an example for others in meeting appropriate standards of care and use of its heritage assets. MOD has committed to delivering the principles and requirements contained within the Department for Culture, Media and Sport (DCMS) [Protocol for the Care of the Government's Historic Estate](#) (2009) and the Historic Scotland [Scottish Historic Environment Policy](#) (2009). It is policy to apply these standards to the MOD heritage estate in the other devolved administrations and overseas.

12-3. Our vision is to value and promote the sustainable use of our heritage assets, in recognition of the benefits they bring to the environment, the quality of life of defence communities, the Nation's cultural heritage and the role it plays in supporting defence capability on the development of the moral component.

12-4. This document supersedes the previous JSP 362 Chapter 6, the Defence Estates (DE) Guide and any heritage-related Technical Bulletins. It is supported by guidance contained within the Historic Environment Practitioners Guide, Minimum Estate Standards and the DE [Sustainable Development Information Portal](#)

## SCOPE

12-5. MOD considers the historic environment in its widest context both in the UK and overseas, on land and at sea. This includes:

- Assets which receive statutory protection such as listed buildings, Scheduled Monuments and buildings in conservation areas;
- Assets that are protected through the planning system such as field monuments, World Heritage Sites, historic battlefields and historic parks, gardens, designed landscapes and locally listed buildings;
- Estate assets that Service consider of "heritage and ethos" value;
- Historic landscapes (ranging from prehistoric landscapes to military airfields);
- Undesignated local or vernacular heritage assets such as military buildings, railings, bollards, or signs and signage that contribute to a sense of place;
- Maritime archaeology;
- Historic Aircraft crash sites as recorded by the Air Historical Branch;
- Recognition that sites may have historic assets that are still undiscovered;
- Historic estate documents

12-6. MOD heritage and ethos assets are defined as: a location, facility, building or structure in, on, over, under or from which a commendable event or events of significance in the history of the Services or Defence, and pertaining to its ethos, occurred or to which it is directly associated. These include naval wrecks and RAF, and foreign air force, crash sites both on land and at sea as well as service memorials, including war memorials.

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## WHO SHOULD READ

12-7. This leaflet should be read by all Heads of Establishment (HoE), Commanding Officers (COs), Site Estate Team Leaders (SETL)<sup>1</sup>, Estate Contractors and Partners, Estate Managers, Facilities Managers, Estate Surveyors (ES), Project Managers, Land Managers, Disposal Case Officers, Heritage Advisors, United States Visiting Forces (USVF), Customer Estate Organisations (CEstO), Chief Environment and Safety Officers (CESOs), and Service Heritage/Historic Branches.

## ROLES & RESPONSIBILITIES

### Defence Estates (DE)

#### Policy

12-8. Responsibility for the development and maintenance of MOD historic estate policy and strategy lies with DE Property Directorate (DE Prop). The Historic Estate Working Group (HEWG) has representatives from the CEstOs and Service Branches and addresses strategy and policy issues affecting MOD's heritage assets.

#### Operations

12-9. Persons responsible for operations on the Defence estate should ensure that they and their staff and contractors have adequate knowledge of the heritage assets to be able to discharge both statutory and MOD policy obligations with respect to estate management, construction and maintenance. The delivery of estate services has largely been transferred to Prime Contracts (either regional or stand-alone) or to Public Private Partnerships (PPP) or Private Finance Initiatives (PFI) schemes. Where sites have not been transferred to Prime Contracts, PPPs or PFIs the legacy "Propman"/Single Responsible Contractor (SRC) system is likely to be in force. Responsible Officers should be aware that this mix of contractual arrangements has the potential to create confusion over the recognition and care of historic environment. They should ensure that roles and responsibilities are clearly defined, especially where sites have a mix of estate delivery arrangements and delivery organisations.

12-10. In the case of contracted out operations, the MOD sponsor for the contract has the primary responsibility for ensuring that statutory historic estate obligations and MOD policy is complied with.

#### Core Services and Minor New Works

12-11. The following paragraphs set out roles and responsibilities on sites under Regional Prime Contracts following the Estate Management Review. Those operating under other types of prime contracting and PPP/PFI frameworks will have different management arrangements in place. However, the responsibilities and standards outlined within this document apply equally to these establishments and they should be assigned to the appropriate personnel e.g. the SETL.

12-12. The SETL and the Site Estate Authority Teams (SEAT) should have knowledge of the heritage assets on their site and be aware of their statutory and MOD policy obligations with respect to their management. The SETL should also ensure Industry Partners via the Site Estate Delivery Manager (SEDM) are aware of these responsibilities.

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<sup>1</sup> Formerly Site Estate Representative (SER) and Facilities Manager roles

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12-13. The SETL should ensure that the relevant condition inspections (quad and quinquennial inspections) are undertaken on their heritage assets and that any recommendations arising from these inspections are integrated into the site forward maintenance plans and reflected within the site Integrated Estate Management Plan (IEMP).

12-14. The SETL should ensure any new incidental works, minor new works (MNW), core services projects (CSP), urgent operational requirements (UOR) or any changes in activity affecting the use of the estate have been scrutinised for their sustainability and are sympathetic to the heritage value of the asset and the site overall. Appropriate consents and permissions should also be obtained. Any assessment studies, designs, specifications, tender documents and contracts etc. must take into account the requirements of historic environment legislation and must comply with the demands of the planning system. The sensitive use of appropriate materials is required when maintaining or altering heritage assets.

12-15. Industry Partners, through the SETL are required to liaise with the nominated DE ES, as first point of contact, if an historic environment issue arises on their site before taking any action. DE ES are responsible for providing professional advice to Budget Holders on estate management matters including historic environment issues.

12-16. Where the legacy Propman/SRC system remains, the Top Level Budget holder (TLB) is responsible, through their respective Infrastructure/Estate Organisations, for abiding by legislation and MOD policy relating to the historic environment on their sites.

#### Core Works and Core Services Projects (CSP)

12-17. DE Project Managers (and SETLs for CSPs) should be aware of, and the potential for, historic environment issues on the site and how they may impact on the delivery of the project. The design (and construction) of core works should complement and where possible enhance the heritage and landscape value of the site. This includes the sensitive use of appropriate materials.

12-18. Project Managers need to be aware of the need to obtain the relevant heritage consents and the need to reflect heritage value within any planning applications. The Local Planning Authority (LPA) and heritage statutory bodies may also need to be consulted on any projects affecting a heritage asset. Any mitigation measures identified as part of any consents or planning permission must be complied with. This may include the requirement to undertake further assessments at the developer's expense.

12-19. Early consideration of heritage issues and the engagement of the LPA, statutory bodies and the Historic Environment Team (HET) within DE Operations (Ops) North Professional and Technical Services (PTS) Environment Advisory Service (EAS)<sup>2</sup> within the project cycle minimises potential risks to project delivery.

#### **Historic Environment Advice**

12-20. DE Land Management Services (LMS) provide an in house professional property ownership and management service, including stewardship responsibility for heritage assets. DE ES within LMS discharge negotiation and transaction responsibility for property acquisition, disposal, hiring, letting, Town & Country Planning and damage and dilapidation claims across the UK and Overseas Estate.

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<sup>2</sup> Hereafter referred to as DE Ops EAS

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12-21. ES need to be made aware at the earliest stage of proposals which may require their input or advice. ES are ultimately responsible to Secretary of State (SofS) for ensuring appropriate LPA consultation on proposed development on the historic estate.

12-22. ES also provide advice on the extent and content of assets identified as Listed Buildings, Conservation Areas and Scheduled Monuments and will liaise with HET and external stakeholders (e.g. English Heritage, Historic Scotland etc.) on the management and use of these heritage assets. Support on the preparation of planning applications and liaison with DE Heritage Advisors, including Heritage at Risk (HAR), is also available through LMS.

12-23. Where matters relating to the historic estate are in conflict with MOD or national policy and legislation, the ES, in addition to consulting with HET, should raise the issue with DE Prop for guidance, especially where it potentially involves damage to a statutorily protected site;

12-24. ES should ensure that heritage assets are explicitly identified (including clear boundary definition) within any legal documentation when property is leased or licenced etc. to a third party including agricultural tenancies. The condition of the asset should also be included as well as the expected responsibilities of the third party for the care and management and eventual return of the asset. The Case Officer should alert the DE Ops Legal Team at Heads of Terms stage and once an assessment of the site had been made. This is designed to give the Legal Team the opportunity to agree with the Case Officer which clauses within the lease should be altered to take account of any heritage requirements.

12-25. Historic Environment Team (HET) within DE Ops EAS provide specialist advice on historic environment management issues and has a number of heritage advisors who specialise in archaeology and historic buildings. Heritage advisors are available to provide advice on heritage assets, including curtilage and setting issues, management issues, such as maintenance and repair standards, consent applications, specifications for condition assessments and management plans, etc. The HET provides advice on resolving the Department's HAR assets.

12-26. The HET may involve, consult with or seek advice from the LPAs Conservation Officers and the Statutory/executive bodies including the Government Historic Estate Unit (GHEU).

12-27. Estate staff have a responsibility to inform HET of any changes in the heritage assets on the MOD estate including disposals, condition assessments etc.

12-28. Sustainable Development Support (SDS) within DE Ops EAS provides specialist advice on carrying out Sustainability Appraisals, using the [Sustainability and Environmental Appraisal Tools Handbook](#) (S&EAT) which includes a chapter on the historic environment. The team will also peer review Sustainability Appraisals making sure that Statutory Assessments, Consents and Licenses are completed including any historic environment clearance and consents needed.

12-29. Construction Support Team (CST) and Planning & Estate Development Team (EDT) within DE Ops EAS provides specialist advice on town and country planning, estate development and related matters (including the historic estate). The team can provide professional advice and guidance directly or through term commissions.

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12-30. Specialist advice may need to be outsourced as required, often through a contractual framework. Any consultants used must have the appropriate qualifications and experience pertinent to the task.

### **Top-Level Budget Holders (TLBs)**

#### Customer Estates Organisations (CEstO)

12-31. CEStOs (on behalf of their organisation's heritage focal points) should be aware of the heritage assets for which they are responsible in addition to those estate assets which are considered to provide ethos and heritage value to their organisations. HET holds details of statutory protected estate assets. The identification of Service ethos and heritage assets may require liaison with the Service Heritage/Historical Branch and the commissioning of specialist surveys as appropriate.

12-32. The CEStO should hold a dataset of its ethos and heritage assets, which, if possible, should detail why an asset is of importance, and should ensure this data is made readily available to HET. Where ownership of the site is to be transferred to another TLB, the CEStO should inform the new owner of any assets of enduring heritage value to their organisation.

12-33. CEStOs should consider their heritage requirements within any strategic estate planning and within any site development proposals at the earliest opportunity. Their heritage requirements should be reflected within any user requirements for DE or other partners, contractors to deliver.

12-34. In particular cases the financial requirement to maintain or restore the heritage value of an estate asset may be higher than is needed to maintain its operational functionality, as defined within contractual arrangements. Where this arises the CEStO must ensure additional funds are allocated to meet statutory and mandatory responsibilities e.g. as part of the annual programme of MNW. The quadrennial and quinquennial inspections will inform this requirement and further advice on how to target limited funds most effectively can be sought from HET. CEStOs must ensure that their heritage assets do not become at risk and must work with the MOD HAR Officer in achieving a sustainable solution for their HAR assets.

#### Heads of Establishment (HoE) / Commanding Officers (COs)

12-35. HoEs/COs should have knowledge of the heritage assets on their site and be aware of, and comply with, all relevant legislation and MOD policies. The HoE/CO is ultimately responsible for any damage or failure to comply with MOD's statutory and mandatory commitments. This knowledge should be disseminated to all users, both military and civilian, including contractors.

12-36. HoEs/COs should ensure that:

- The SETL consults with the appropriate ES over any activity that could potentially impact on a heritage asset on their site and that specialist advice is sought from HET in any cases of doubt;
- They are aware of all activities, planned or current that may impact on their historic environment;

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- Control is exercised on land that is not let on full agricultural terms, to ensure that training activities or estate operations do not adversely impact on heritage assets on the estate;
  - Any estate development or other activity is sympathetic to and where possible enhances the heritage value of the asset and the site more widely. Changes in activity or development may be subject to the appropriate historic environment and/or sustainability appraisal and consents prior to its approval;
  - They work with their SEAT and CEStO to ensure the sympathetic use of heritage assets is maximised.

### Historic/Heritage Branches

12-37. Service heritage and historic branches are available to provide subject matter advice on the significance of estate assets to the ethos and heritage of the Services. They are encouraged to support the CEStO's in the delivery of their historic environment commitments.

### Estate Users

12-38. Anyone utilising the MOD estate, whether military or civilian (including contractors, wider market customers, tenants etc.) has a duty to minimise any adverse effects on the historic environment and to promote its conservation where possible. In sensitive areas, certain activities, including military training, should be managed to minimise the impacts on fragile archaeological sites. Site management and development should be managed to avoid adverse impacts on heritage interests on a site.

## **MOD POLICY**

12-39. MOD's overarching strategic direction on the stewardship of its heritage assets is contained within the [DE Estate Strategy](#), the [MOD Heritage Strategic Statement](#) and the [MOD Sustainable Development Strategy](#).

### **Core Services/Estate Maintenance**

12-40. MOD has a duty of care to ensure the responsible stewardship of its heritage assets and to promote their sustainable development, whether the assets receive statutory protection or not.

12-41. Listed building legislation states that "*reasonable steps*" should be "*taken for properly preserving a listed building*". The listed building legislation contains provisions for local authorities to serve enforcement notices which will impact upon the reputation of MOD. Under Scheduled Monument legislation it is illegal to cause damage to or disturb Scheduled Monuments. Many non-designated sites receive protection under the planning system. Further clarification concerning listed building and scheduled monument legislation can be sought from HET.

12-42. SETLs are responsible for the maintenance and repair of heritage assets to an appropriate standard that is consistent to the conservation of the asset. Heritage assets should be integrated into the establishment's asset management process and their management needs should be prioritised and resources to be targeted effectively. See English Heritage guidance [Managing Heritage Assets](#) (2009).

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12-43. Scheduled Monuments and listed buildings should be subjected to condition assessment inspection on a quinquennial and quadrennial basis respectively. Listed Buildings quadrennial inspection assessments should identify and prioritise necessary repair and major maintenance requirements and provide an approximate cost for each item. Scheduled Monuments quinquennial inspections flag up necessary repairs. These requirements should inform the establishment's relevant asset management/forward maintenance programme in a prioritised and cost-effective way. Statutorily protected assets should be afforded the highest priority. Copies of Quadrennial Inspections must be copied to the Senior Historic Building Advisor.

12-44. For new designations a condition assessment should be completed at the earliest opportunity to establish its baseline condition. MOD is required to report on the condition of all its listed buildings and Scheduled Monuments.

12-45. Estate managers should look for opportunities to enhance the heritage value of the asset (and their setting) through sympathetic maintenance and through-life replacement of features (e.g. colour schemes, replacement windows etc.). Relevant consents will be required.

12-46. It should be noted that maintaining and enhancing heritage assets should be based on an understanding of their nature, extent and level of significance. The more significant the asset, the greater the presumption in favour of its protection.

12-47. Assets must be kept secure and protected against vandalism whether in use or not. This includes assets that may be surplus, in course of disposal or awaiting decisions on their future use. They should not be put at risk.

12-48. Estate managers should be proactive and imaginative, working with HoEs/COs, in establishing sustainable and appropriate use for heritage assets, especially historic buildings, whether designated or not.

12-49. Unused assets including vacant historic buildings should be regularly inspected and maintained in a secure, safe and stable condition. Assets should be kept wind and weather tight as a minimum standard. The SETL must be able to demonstrate that any unused assets are being actively managed (maintenance and inspection regime) to ensure they are not put on any HAR register

12-50. With regards to MOD historic parks and gardens (whether designated or not), MOD gardeners, contractors and grounds maintenance staff should ensure any maintenance practice or standard (together with any new planting regime) maintains and where possible enhances the heritage value of the site

12-51. SETLs should consult, at the earliest stage, with their ES (in the first instance) regarding any works on the MOD estate likely to need any consents.

### **Heritage at Risk**

12-52. The MOD is committed to resolving its HAR issues and ensuring assets do not become at risk. The MOD HAR Officer's role is to work with internal and external stakeholders to establish risks and develop a plan for the sustainable future of each MOD HAR asset. Performance on HAR is reported in the MOD Stewardship Report, Heritage Report and Sustainable Development Report. It is also a MOD Sustainable Development Key Performance Indicator.



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12-53. Ideally each historic asset should have a suitable use, but for redundant assets a sufficiently funded maintenance and inspection regime should be adequate to ensure they do not become at risk.

### **Estate Development/Core Works/Core Services Projects**

12-54. Any new works including construction projects, alterations and extensions to heritage assets must preserve and where possible seek to enhance the character of the historic asset and its surroundings.

12-55. Projects should identify heritage issues early in the project cycle through the use of the S&EAT and Defence Related Environmental Assessment Methodology (DREAM) process, as well as to meet DE's "Minimum Estate Standards" for heritage. Listed buildings and scheduled monuments are mapped on DE's Geographic Online Data for Estates (GEODE) system.

12-56. Project teams should seek to maximise the use of historic buildings and consider innovative, sustainable, ways of bringing heritage assets back into operational use.

12-57. Projects should consider carefully the respective merits of different approaches to historic buildings. Demolition may not be feasible on legal grounds. Refurbishment can be more sustainable on the grounds of embedded energy, energy efficiency, resilience to climate change, community and heritage and ethos value etc. There should be a presumption in favour of the re-use and the refurbishment of heritage assets including non-designated assets. Project Managers, in conjunction with the Customer, should undertake thorough Whole Life Cost assessments and explore different procurement options to achieve Value For Money and the most sustainable and heritage viable option.

12-58. It is imperative that all of the project team are aware of the heritage assets and their significance on site, and that these are considered at the earliest planning stage of the project. The project should seek opportunities to enhance the significance of the heritage assets, the landscape/townscape and the heritage value of the site as a whole remembering that heritage assets should not just be seen as individual entities but considered as part of their wider setting and landscape.

12-59. Project Managers, Estate Managers and ES should consult with the HET (in the first instance), the relevant LPA, or a Specialist Conservation Consultant (SCC) regarding any development proposal on the MOD estate, at the earliest stage. The HET may consult with and seek advice from the GHEU or other devolved statutory heritage bodies as appropriate. The CEStO has a duty to inform the project team of any assets which are of ethos and heritage value to the Services.

### **Heritage Consents & Planning**

12-60. Following the removal of Crown Immunity from the Planning Acts, consents are required for works (including projects and MNW) that affect the character of listed buildings (including demolition; whole or in part). It is a criminal offence to execute such works without consent. Consent is not normally required on listed buildings for "like for like" repairs that do not affect the character of the building.

12-61. It should be noted that listing applies to both the exterior and interior of the building and to any man-made object or structure fixed to the building. Listing protection also applies to structures within the curtilage of the listed building, unless constructed

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after 1 July 1948. Unless clearly defined within the listing notice, the LPA will have a view on the extent of the curtilage of a listed building and what structures are contained within it.

12-62. The LPA deals with applications for listed building consent. However, if the building is Grade I/II\* (England and Wales), Grade A/B (Scotland) or Grade A/B+ (Northern Ireland), or if the work involves demolition, the LPA has a statutory duty to consult with the executive/statutory heritage body.

12-63. In conservation areas certain developments (including demolition) require Conservation Area Consent (CAC). The LPAs have policies for each of their Conservation Areas. It is advisable to consult the LPA Conservation Officer at the earliest opportunity.

12-64. Although Crown Immunity has not been removed with respect to development affecting Scheduled Monuments, it is policy to mirror civilian procedures by applying for formal Scheduled Monument Clearance (SMC) as outlined within the Department of Communities and Local Government (DCLG) [Circular 02/06](#).

12-65. SMC must be obtained for any work, new development or activity that would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding, burying, meshing or covering up a monument or affecting its setting<sup>3</sup>. Failure to do so would normally be a criminal offence. Clearance must also be obtained for works, which may be beneficial to the monument. Clearance must be obtained from English Heritage in England, Cadw in Wales, Historic Scotland in Scotland and the Northern Ireland Environment Agency in Northern Ireland. Where a scheduled monument has also been designated as a listed building, SMC is required and takes precedence over listed building consent.

12-66. Non-designated heritage assets may be material considerations within the planning process under planning policies and statements. LPAs can seek to safeguard and where possible enhance the significance of these heritage assets as part of the planning process and ensure the principles of sustainable development are applied.

12-67. LPAs can request additional information (desk based or field evaluation) on the heritage assets, at the developer's expense, before considering a planning application. This is usually requested during the pre-application and assessment stages. Once considered, LPAs can still refuse or add conditions to planning consents to ensure that the archaeology and its setting are safeguarded. These mitigation measures can include redesign of foundations to allow preservation *in situ* or varying degrees of fieldwork recording (excavation or watching brief), analysis and publication, known as *preservation by record*. Mitigation is at the developer's expense. HET can advise on assessment of heritage assets.

12-68. LPAs can require applicants to provide a description of the significance of the heritage assets affected by the development and the contribution of their setting to that significance. This applies to both designated and non-designated assets. There may be a requirement to demonstrate consultation with appropriate expertise. The HET should be contacted in the first instance but advice may need to be outsourced. The impact of the development on the significance of the asset will be considered as part of considering the planning application. A design and access statement may be required.

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<sup>3</sup> Setting does not apply in Scotland

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12-69. ES are ultimately responsible to Ministers for ensuring that appropriate consultation takes place with planning authorities about proposed developments. However the SETL, advised by their ES may carry out the routine day to day consultations on behalf of MOD once the ES have agreed the submission. Where there is uncertainty over the principle of development, ES will normally take responsibility for consultations with the relevant authorities. There may be arrangements whereby contractors undertake responsibility for obtaining consents; but ES will provide the ultimate overview. Commercially appointed Project Managers can make submissions for matters of detail as well as in principle, provided the relevant ES has inspected the proposed submission and authorised the action. Project Managers need to be particularly alert to their responsibilities for consultation and liaison with the relevant authorities under the terms of the relevant Prime Contract. HoEs/COs or non-SEAT staff should not communicate directly with planning authorities, statutory or executive bodies over scheduled monument clearance, listed building or conservation area consent and planning applications unless authorised by the ES. Uncoordinated approaches of an *ad hoc* nature increase the risks of conflicting messages being transmitted to the relevant authorities and of the overall interests of MOD being damaged.

### **Heritage Assessments and Recording**

12-70. Copies of any heritage assessments, statements of significance, recording projects etc. should be lodged with the HET, the respective Service Historic/Heritage Branches and the Land Quality Assessment focal points.

### **Disposals**

12-71. If the site contains any heritage assets then it is MOD policy for it to be disposed of in line with Treasury, Department for Culture, Media and Sport (DCMS) / English Heritage guidelines *The Disposal of Heritage Assets* (2010). The DCMS/English Heritage guidelines state that the maximisation of receipts should not be the overriding aim of the disposal of heritage assets. The aim should be to obtain best value for the taxpayer in terms of monetary and heritage value. A sustainable future for heritage assets should be secured as part of the disposal process.

12-72. Historic sites under disposal must not be allowed to deteriorate but kept sound, wind and weatherproof and safeguarded against vandalism. A pre-disposal report or a quad/quinquennial inspection should provide recommendations for its cost-effective management. Budget holders should be aware of their responsibilities and ensure sufficient funds are made available to ensure buildings are adequately maintained whilst pending disposal.

12-73. The DE Site Closure Guide provides clear guidance on the necessary reports and maintenance regimes and standards, which should be put in place in such circumstances.

12-74. Disposal case officers should ensure that any historic documents pertaining to the site e.g. Terrier data, requisition logs, plans etc. are secure and are archived in accordance with the policies at paragraph 12-109

12-75. The HET should be informed of any heritage assets that are pending disposal and consulted at the earliest stage so that they are able to advise on maintenance and disposal options.

### **Demolition**

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12-76. As a government department, the MOD has a duty of care towards its heritage assets. It has a policy of presumption against the demolition of all heritage assets and would only support a case for demolition if it was considered the most sustainable or safest option. There are significant reputational impacts if demolition is proposed especially listed buildings or Scheduled Monuments. Ministers may need to be informed.

12-77. Project Managers have a responsibility to establish the heritage significance of an asset prior to any decision to demolish it. The customer should be made aware of any heritage significance and should seek advice on whether it is of importance to the ethos of their organisation, from either their Heritage or Historic Branch, or both. This should inform any decision to demolish the asset. Project Managers should also consider the case for demolition on sustainability grounds (construction waste, embedded energy, energy efficiency, whole life costs etc.). Every effort should be made to explore options for re-use and/or integration into the project.

12-78. Consents will be required for demolition or partial demolition of a listed building or scheduled monument, locally listed building or building in a Conservation Area. Unless justification is significant it is unlikely to be granted. The LPA has a duty to consult with the executive/statutory heritage body on any applications that involve demolition of a listed building. Executive/statutory bodies and LPAs will need to be satisfied that every effort has been made and avenue explored to preserve and establish a sustainable use for the asset. Only in exceptional circumstances will consent be given to the demolition of listed buildings and Scheduled Monuments. Justification because of cost or inconvenience to the project is not likely to succeed. Cases where demolition follows periods of disuse and maintenance deficit are unlikely to be considered favourably.

12-79. Where demolition is allowed, recording of the structure should be undertaken. Advice is available from HET.

12-80. Assets which currently receive no statutory designation may be considered to be at least of local significance and can be recorded on the LPAs/Welsh Archaeological Trusts Historic Environment Record (HER). LPAs can ask for an assessment of the significance of any asset considered to be of heritage interest. Local significance is a material consideration in the planning system and can influence any planning permissions needed for demolition.

### **Overseas Estate and Visiting Forces**

12-81. The MOD overseas establishments should identify any heritage or cultural assets on their bases. They should also have an awareness of their significance/importance to local communities. These should be reflected within site management plans e.g. IEMPs, Estate Development Plans (EDP), Integrated Rural Management Plans (IRMP) etc.

12-82. MOD overseas estate heritage assets should be managed to UK and MOD standards and procedures as a minimum, except in those host countries where the standards are higher. The management of assets should reflect any local sensitivities and requirements.

12-83. Estate managers are also required to conduct condition assessments on their heritage assets wherever practicable. It is recognised that the heritage protection system is likely to differ from the UK.

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12-84. The principles and guidelines of this leaflet should be followed in relation to sites occupied by USVF, although the advice offered by ES may differ to comply with USVF policies where different.

### **Management Plans / Systems**

12-85. All heritage assets should be reflected within a site's management plans and these shall provide guidance and procedures on their management. These include the IEMPs, Environmental Management Systems (EMS), EDPs and Sustainability Management Systems (including IRMPs).

12-86. These management plans and systems should include designated and non-designated assets, as well as sites of ethos and heritage value to MOD / Armed Forces. It is important that the plans are maintained and kept up-to-date as new information materialises e.g. thematic reviews by heritage bodies. Close liaison with MOD Conservation Groups in archaeological issues should be maintained where they exist.

12-87. Where a site has significant heritage value and has numerous complex heritage assets, the development of a Conservation Management Plan (CMP) is a useful tool to inform and de-risk any future site development proposals. CMPs are usually delivered by DE with funding provided by the TLB.

12-88. Heritage Partnership Agreements (HPA) are agreements between the landowner, the LPA and English Heritage about the management of a heritage asset. Currently these agreements are non-statutory. However, subject to legislation, they could be used to streamline consents for a pre-agreed range of heritage asset works. HPAs could be applicable to MOD sites with multiple heritage assets. The HET can advise on the potential benefits of developing a HPA.

### **Information**

12-89. The HET is responsible for collating information including condition data regarding the heritage assets on the MOD estate and maintaining the dataset. They are available to provide information on individual sites and across regions, as well as by TLBs owner. The HET should hold copies of management plans and condition assessment for MOD's heritage assets.

12-90. Geospatial Services within DE Ops LMS can provide plan production and estate mapping services that capture the identification and classification of heritage assets.

12-91. The Service heritage/historic branches may be able to provide advice on the history of specific assets and guidance on their significance to the heritage and ethos of the Services. The CEStO databases can also provide the information on an asset's significance to the ethos and heritage of the Services

12-92. The National Monuments Record and LPA/Welsh Archaeological Trusts HERs may also contain information about heritage assets on the MOD estate. On-line resources such as Multi-Agency Geographic Information for the Countryside (MAGIC) and PASTMAP are available. Amateur interest groups' websites e.g. airfields and control towers could provide useful information.

### **New Designations**

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12-93. MOD recognises that there is a requirement to work closely with statutory bodies and other stakeholders to identify estate assets of heritage significance which may not have statutory protection but which might require sensitive management.

12-94. HoEs/COs, property managers, estate managers and ES may receive a notification that an estate asset is being assessed for possible designation e.g. as a listed building, scheduled monument or registered park and garden. The HET should be informed as it is the HETs responsibility to liaise with the statutory/executive body on designation issues. The HET will consult with internal stakeholders, including customers to ascertain a corporate MOD response to the assessment. Estate staff should inform and provide HET with a copy of any final designation notifications received.

12-95. It is the responsibility of the appropriate ES to co-ordinate a response to any proposals by local authorities or local organisations for area designations including World Heritage Sites and Conservation Areas. The ES must consult the HET.

12-96. It is the responsibility of the HET to advise relevant persons of the designation and ensure they are aware of their responsibilities and consequential management regime.

12-97. DE Prop should be consulted on any significant or contentious issues including World Heritage Site proposals.

12-98. Under no circumstances should any person or organisation within MOD contact directly any statutory/executive body with a request to assess an estate asset for designation. The HET should be contacted in the initial instance. A heritage advisor will then ascertain whether the asset might meet the national designation criteria. The HET may then consult with the relevant statutory body and stakeholders within MOD to determine its heritage significance to MOD and potential resource implications. If the asset is likely to meet the designation criteria and it is in MOD's operational interests, the HET will then approach the statutory/executive body to request assessment for designation.

### **Archaeological Excavations**

12-99. Archaeology Advisors within the HET should be consulted about applications to undertake excavations on the MOD estate whether for planning or academic purposes. All excavations should be undertaken to Institute for Archaeologists standards.

12-100. If an excavation is required for planning permission purposes, the developers (or their sub-contractors) are required to produce a project design for both excavation and post-excavation work including the publication and archiving of a report. Archaeology Advisors can advise on the quality, scope and cost of the excavation work.

12-101. MOD Conservation Groups wanting to conduct an archaeological excavation are required to contact the Conservation Group Team within DE Prop who will discuss any proposals with the HET.

12-102. Permits for entry onto MOD land will be required by the archaeologists and applications must be made to DE and the HoE/CO.

### **Use of Metal Detectors**

12-103. The use of a metal detector may result in damage and disturbance to items of archaeological interest and should not be permitted on MOD property, with the exception

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of the use by personnel engaged in Explosive Ordnance Disposal work or Improvised Explosive Device drills in training. The use of geophysical prospection equipment by professionals or consultants as part of an archaeological assessment of a site is permissible providing relevant clearance e.g. SMC is obtained from the executive/statutory body.

### **Discovery of Treasure/Artefacts**

12-104. The discovery of any artefact (either casual or as part of an excavation) thought to be of historic interest must be reported to the ES who in turn must consult with the HET.

12-105. The discovery of 'treasure' (or 'Treasure Trove' in Scotland) is covered by the Treasure Act 1996 in England and Wales and the common law of "Treasure Trove" in Scotland (which is compatible with the provision of the Civic Government (Scotland) Act 1982).

12-106. The finder of "treasure" has certain responsibilities. In England and Wales the finder must report all finds of Treasure to the district coroner within 14 days after the day of the discovery or within 14 days after the day on which it was realised the find might be treasure. In Scotland, the finder must report all discoveries to the [Treasure Trove Unit](#).

12-107. The discovery of non-treasure items found in the soil on the MOD estate is generally regarded as Crown property. Accordingly, the HoEs/COs should seek advice from the HET and the ES, who will arrange for fossils, antiquities or other objects of interest or value to be carefully removed and stored until disposal instructions are issued by HET. Historic artefacts found on MOD property should be recorded and gifted on loan with an agreed museum under the name of MOD. Records of articles, with dates and place of gifting must be given to HET for recording purposes.

12-108. Articles uncovered in the course of an archaeological excavation should be left in the temporary custody of the archaeologists concerned for examination, testing, treatment, recording and preservation. They should subsequently be gifted on loan to an agreed appropriate museum.

### **Archiving of Historic Estate Documents**

12-109. MOD archives and records are an important part of the historic estate and are covered by the Public Records Acts. Any record (including maps, documents, letters and photographs) over 30 years old are covered by the Acts. Such records are to be considered by MOD Corporate Memory Records (CMR).

12-110. If the record is still active and in use, a Lord Chancellor's Instrument can be obtained (through CMR) to keep it on site and in use. If the record is no longer in use it must be assessed by CMR who will liaise with The National Archives. If The National Archives do not require the record, it may, with CMR authorisation be 'presented' to a suitable body. Together with the CMR, the HET is a point of contact for historic estate document archiving issues. Further details can be found within [JSP 441](#).

### **Memorials and Plaques**

12-111. Memorials take many forms. Some memorials are listed (e.g. the Afghan/Zulu memorial, Larkhill), whilst others are small unobtrusive memorials associated with benches or trees. Listed memorials will require Listed Building Consent for any works to

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them. There can be sensitivities surrounding memorials (families, friends, veterans groups etc) which need to be considered as part of their care both in the short term (current maintenance) and long term e.g. if a unit moves establishment. All memorials should be given due consideration when they are to be moved or sites sold, and if memorials are in a listed building (such as a church) or in a Conservation Area appropriate consents will need to be sought. The HET can advise on issues relating to memorials.

### **Railway Heritage Committee**

12-112. The Railway Heritage Committee is a statutory body with the power to list structures and artefacts associated with railways. Such listings will have implications for their care and management. The HET is the point of contact for any heritage railway artefacts

### **Climate Change**

12-113. Heritage assets should be included within any assessment to identify climate change risks to the site and be incorporated into any site specific mitigation or management measures. Where a designated heritage asset is vulnerable to climate change, a strategy for its future management should be established in consultation with the relevant statutory body.

12-114. Energy efficiency measures, including renewable energy are not necessarily incompatible with heritage assets. However, any measures should be effective, appropriate and take into account the significance of the heritage asset, its setting or landscape. Appropriate consents will be needed for any works to listed buildings or scheduled monuments.

### **Public access to MOD Heritage Assets**

12-115. It is MOD policy to promote public and educational access to its historic estate wherever possible whilst taking into account issues of security, health and safety, public liability and resources. Responsibility for facilitating public access to heritage assets lies with the establishment.

12-116. Access should be incorporated into any establishment general public access strategies or TLB community liaison and public relations programmes either independently through locally organised events, guided tours, conservation groups etc. or as part of a national event such as Heritage Open Days. Participation can promote community liaison, attract positive publicity and can be used to promote recruitment. To maximise publicity it is recommended that the Directorate of Media Communications be involved.

### **Other Relevant MOD Policy**

<b>Policy relating to the Historic Environment</b>	<b>Location</b>
Public Access	JSP 362, Volume 3, Chapter 5
IRMP	JSP 362, Volume 3, Chapter 3, Leaflet 9
Disposals	JSP 362 Volume 4
Sustainability and Environmental Appraisal	JSP 418



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EMS	JSP 418
Document archiving	JSP 441
Estate Management	JSP 435
Estate Construction	JSP 434

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## **APPLICABLE LEGISLATION, CIRCULARS AND PLANNING POLICIES**

### **Legislation**

[Ancient Monuments and Archaeological Areas Act 1979](#)

[Treasure Act 1996](#)

[Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)

[Planning \(Listed Buildings & Conservation Areas\) \(Scotland\) Act 1997](#)

[Planning and Compulsory Purchase Act 2004](#)

### **Circulars**

[Circular 08/09: Arrangements for Handling Heritage Applications - Notification to the Secretary of State \(England\) 2009](#)

[Circular 07/09: Protection of World Heritage Sites](#)

[Circular 09/05: Arrangements for Handling Heritage Applications - Notification to National Amenity Societies Direction 2005](#)

[Circular 02/06 \(Communities and Local Government\): Crown Application of the Planning Acts](#)

[Welsh Office Circular 60/96 Planning and the Historic Environment - Archaeology](#)

[Welsh Office Circular 61/96 Planning and the Historic Environment - Historic Buildings and Conservation Areas](#)

[Welsh Office Circular 1/98 Planning and the Historic Environment - Directions by the Secretary of State for Wales](#)

### **Planning Policy**

#### England

[Planning Policy Statement 5: Planning for the Historic Environment](#)

[PPS5: Historic Environment Planning Practice Guide](#)

#### Wales

[Planning Policy Wales – Chapter 6 Conserving the Historic Environment](#)

#### Scotland

[Scottish Planning Policy SPP 23 Planning and the Historic Environment](#)

#### Northern Ireland

[Northern Ireland: Planning Policy Statement 6 \(PPS6\) Planning, Archaeology and the Built Heritage](#)

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## FURTHER INFORMATION

12-117. There are a variety of documents that provide detailed information on all that is contained within this leaflet. The following list provides details of these documents.

### Internal

- [SofS Policy Statement on Safety, Health, Environmental Protection and Sustainable Development](#) in the MOD;
- [MOD Heritage Strategic Statement](#);
- The Strategy for the Defence Estate – “[In Trust and On Trust](#)” (2006);
- [The Sustainability and Environmental Appraisal Tools Handbook](#);
- [MOD Heritage Reports](#);
- Minimum Estate Standards (Core Works ) (*awaiting publication*);
- Minimum Estate Standards (Core Services) (*awaiting publication*);
- Heritage Practitioners Guide (*awaiting publication – December 2010*);
- [DE Sustainable Development Information Portal](#)

### External

- [The Government’s Statement on the Historic Environment for England 2010](#);
- Biennial Conservation Reports – [The Government’s Historic Estate 2005-2007](#). 2008 English Heritage (and [subsequent reports available here](#));
- [Protocol for the Care of the Government Historic Estate, DCMS 2009](#);
- The Disposal of Heritage Assets, English Heritage\DCMS, 2010 (*awaiting publication*);
- [Managing Heritage Assets](#), English Heritage, 2009;
- [Conservation Principles: Policies & Guidance for the Sustainable Management of the Historic Environment](#), English Heritage, 2008;
- [Scottish Historic Environmental Policy](#); Historic Scotland, 2009
- [Conservation Principles, Policies & Guidance](#), Cadw, 2010
- [The Treasure Act 1996, Code of Practise](#) (2<sup>nd</sup> revision), DCMS, 2007
- [Treasure Trove Unit](#), Scotland
- [Wales Historic Environment Record](#), Welsh Archaeological Trusts

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- [National Monuments Record for Wales](#), Royal Commission on the Ancient and Historic Monuments of Wales (RCAHMW)

## CONTACTS

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*Other contacts can be found on the [Heritage page](#) on the Sustainable Development Portal*

## ABBREVIATIONS

CAC	Conservation Area Consent
CESO	Chief Environment and Safety Officer
CEstO	Customer Estate Organisation
CMP	Conservation Management Plan
CMR	Corporate Memory Records
CSP	Core Service Projects
CST	Construction Support Team
CO	Commanding Officer
DCLG	Department for Communities & Local Government
DCMS	Department for Culture, Media and Sport
DE	Defence Estates
DE Prop	Defence Estates Property Directorate
DREAM	Defence Related Environmental Assessment Methodology
EAS	Environmental Advisory Service
EDP	Estate Development Plan
EDT	Estate Development Team
EMS	Environmental Management System
ES	Estate Surveyors
GEODE	Geographic Online Data for Estates
GHEU	Government Historic Estates Unit
HAR	Heritage at Risk
HER	Historic Environment Records
HET	Historic Environment Team
HEWG	Historic Environment Working Group

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HoE	Head of Establishment
HPA	Heritage Partnership Agreements
IEMP	Integrated Estate Management Plan
IRMP	Integrated Rural Management Plan
JSP	Joint Service Publication
LMS	Land Management Service
LPA	Local Planning Authority
MAGIC	Multi-Agency Geographic Information for the Countryside
MNW	Minor New Works
NPPG	National Planning Policy Guidance
Ops	Operations
PFI	Private Finance Initiatives
PPP	Public Private Partnerships
PPS	Planning Policy Statement
PTS	Professional & Technical Services
RCAHMW	Royal Commission on the Ancient and Historic Monuments of Wales
SCC	Specialist Conservation Consultants
S&EAT	Sustainability & Environmental Assessment Tool
SDS	Sustainable Development Support
SEAT	Site Estate Authority Team
SEDM	Site Estate Delivery Manager
SER	Site Estate Representative
SETL	Site Estate Team Leader
SMC	Scheduled Monument Clearance
SofS	Secretary of State
SRC	Single Responsible Contractor
TLB	Top Level Budget Holder
UNESCO	United Nations Educational, Scientific and Cultural Organization
UOR	Urgent Operational Requirement
USVF	United States Visiting Forces

## **DEFINITIONS OF HERITAGE ASSETS**

### **Listed Buildings**

Buildings listed by the SofS (or equivalent in the devolved administrations) are afforded protection under the various planning acts. There are three grades of listed building: Grade I/II\*/II (England and Wales), Grade A/B/C (Scotland) and Grade A/B+/B (Northern Ireland).

### **Scheduled Monuments**

Archaeological sites of national importance can be designated as Scheduled Monuments under the Ancient Monuments and Archaeological Areas Act 1979 by the devolved executive heritage body. Scheduled Monuments are afforded a high degree of statutory protection.

### **Historic Battlefields, Parks, Gardens & Designed Landscapes**

The heritage executive and statutory bodies within the devolved administrations designate Historic Battlefield, Parks, Gardens and Designed Landscapes. The MOD has these historic assets on its estate. It is MOD policy to protect and enhance these features where possible

### **World Heritage Sites**

World Heritage Site status is conferred to those sites deemed to be of great importance to mankind's cultural or natural heritage. A number of MOD sites are within the boundaries of ten World Heritage Sites, nine of which are designated by United Nations Educational, Scientific and Cultural Organization (UNESCO) for their world heritage significance.

### **Conservation Areas**

LPAs in England, Scotland and Wales and the Environment and Heritage Service in Northern Ireland are able to designate as conservation areas any local areas of special architectural or historical interest which are desirable to preserve or enhance. Conservation areas address the quality of the townscape/landscape not just the protection of individual buildings.

Within Conservation areas, certain types of development require planning permission, which would otherwise be classified as permitted development. These include alterations to the external feature of the building, extensions, demolition of buildings and the cutting down/lopping/topping of trees. Scheduled Ancient Monuments are exempt from conservation area controls as they are governed by their own set of regulations.