

# Conservation

*bulletin*

## Heritage Crime



Crime can instantly and devastatingly damage England's priceless cultural heritage. Its loss is felt by the owner, the communities who use, enjoy and learn from the place and the future generations whose inheritance it should have been.

On 15 March 2010 the Church of St Mary at March in Cambridgeshire was the subject of a motiveless arson attack that left the Grade II building in ruins. The culprits have still not been caught, but insurance cover and the generosity of the congregation have since allowed the church to be fully restored.

© Ecclesiastical Insurance Group

### 2 Editorial

### 3 Working Together

- 3 The Police perspective
- 5 Policing the past, protecting the future
- 8 Operation Totem
- 9 Bringing heritage crime to court
- 11 Protecting West Cheshire's heritage
- 13 Archaeologists supporting the police
- 14 Listed building prosecutions

### 16 Enforcement and Deterrence

- 16 Focussing effort on places most at risk
- 17 Sharing expertise
- 18 Preventing heritage crime
- 20 Keeping heritage sites secure
- 22 Taking legal action

### 24 Communities Fighting Back

- 24 Sacrilege?
- 27 Promoting economic & social growth
- 28 Crime trends at private properties
- 30 The challenge for private owners
- 32 Illicit metal-detecting
- 34 National Parks and heritage crime in designated landscapes
- 36 War memorials and metal theft
- 38 Irchester: a tale of two convictions
- 40 Criminal damage at the Priddy Circles

### 42 News from English Heritage

### 44 National Heritage Collections

### 46 Legal Developments

### 47 New Publications



ENGLISH HERITAGE

# Editorial: A Crime Against Us All

**Historic places matter to people – which is why crimes against them hurt not only their owners but everyone.**

Historic buildings and sites need to survive not just the ravages of the weather, but also what we humans inflict on them. Vandals and unthinking owners will inevitably do wrong once in a while. Historic sites are not immune from crime. It is inevitable. It is estimated that 70,000 listed buildings were damaged by crime in 2011 alone.

Protection is primarily the job of owners, but if they fail, then it falls to local authorities, grant-givers and buildings preservation trusts to step into the breach. Until now, there has been a lack of clear procedures for co-ordinating the contributions of these different players – which is why English Heritage has launched a new Heritage Crime Programme to help tackle the corrosive effects of heritage crime.

This might sound like making work for ourselves at just the wrong time. But the perennial nature of the threat means that we need a perennial response. We must also remember that crime rates tend to be anti-cyclical: when the economy is weak crime is strong.

When it comes to owners doing wrong, some local authority staff have told us that they are simply too busy dealing with planning applications to deal with enforcement as well. Yes, they are undoubtedly busy: fine-tuning our 100-year-old protection system; dealing with people who took care to make the right application; who read the guidance and took account of the policies. But what of the people who didn't apply and aren't interested in reading about conservation? Are they just thinking 'I'll not get caught', and if so what are the chances they will happen to do the right thing for the building?

Enforcing the law is not just about ticking people off. It is about ensuring the health of the whole system. We want the consent regimes to be used by everyone, not just the conscientious. We

want its subtle approach to *constructive* conservation to be infused into all proposals. Enforcement has a vital but silent effect. It makes us all play fair.

If ensuring the health of the regime means spending 10% of your time enforcing it (and that's just a random figure), then in our view 10% it should remain. Otherwise the balance of your time will be applied to an increasingly dysfunctional system.

There is already a system for taking enforcement action against thieves and vandals. But what it lacks is an appreciation of the value of our heritage to society as whole – a silent victim not in court to express its loss. Protected places are by definition of great value both to individuals and whole communities. People love them, which is why they want to be in and around them.

That intangible heritage value can drive economic value – attracting inward investment and providing the seed corn for successful regeneration. Conversely, crime and anti-social behaviour corrodes that value. It is a barrier to the economic, social and environmental opportunities that historic places present. It should be on the list of things to tackle in any area that has a vision for its future and that understands the value of its past.

One in five of all properties is damaged by crime every year. Historic properties have to do better than that to survive as long into the future as they have done in the past. By working with the police, Crown Prosecution Service and local authorities, the heritage sector can help to make sure that they do just that. ■

Mike Harlow

*Governance and Legal Director English Heritage*

*Twitter @EHLegalDirector*

Mark Harrison

*National Policing and Crime Advisor, English Heritage*

*Twitter @EHHeritageCrime*

*Conservation Bulletin* is published twice a year by English Heritage and circulated free of charge to more than 5,000 conservation specialists, opinion-formers and decision-makers. Its purpose is to communicate new ideas and advice to everyone concerned with the understanding, management and public enjoyment of England's rich and diverse historic environment.

When you have finished with this copy of *Conservation Bulletin*, do please pass it on. And if you would like to be added to our mailing list, or to change your current subscription details, just contact us on 020 7973 3253 or at [mailinglist@english-heritage.org.uk](mailto:mailinglist@english-heritage.org.uk)



# Working Together

**Tackling crime against the heritage is not just a job for the police – it is a battle that depends on everyone working together.**

Casual vandalism of historic buildings and monuments is nothing new, nor is the damage caused by thieves intent on enriching themselves at the expense of others. What has changed is society's attitude to the wilful desecration of historic places that add economic or cultural value to our everyday lives.

As Chief Constable Andy Bliss explains, (pp 3–5) the key to a more effective response to heritage crime – and equally to its prevention – is a new kind of partnership between the owners of historic places and the law enforcement agencies.

Mark Harrison (pp 5–7) goes on to describe how English Heritage's new Heritage Crime Programme has been designed to harness the specialist skills of enforcement agencies, professional heritage bodies and community groups at both a regional and local level.

In practice, this involves new ways of thinking, not only within police forces for whom the concept of heritage crime may still be novel (Booth and Hanson, pp 8–9), but also the Crown Prosecution Service (Holmes pp 9–10) and local authorities (McNae and Marsh, pp 10–12). Equally important in a reverse direction is the help that heritage professionals can provide to the law enforcers (Richardson and Johnson pp 13–14; Kindred pp 14–15).

## **The Police perspective: staying one step ahead**

Andy Bliss

*Chief Constable of Hertfordshire*

In times of economic austerity, criminals too 'feel the pinch'. A key role for the police is to stay one step ahead of them.

Market forces drive acquisitive crime; national crime statistics bear this out. Fluctuations in exchange rates or global commodity prices can very quickly switch demand for lead, often from historic buildings, to demand for platinum from catalytic converters.

Criminals intent on converting metal into cash do not see damage, loss or heartache. They simply see a commodity that will provide a tax-free income or their next drug fix. Thefts are not limited to metal from church roofs or listed buildings; coping stones, floor tiles, slate and items of intricate metalwork from war memorials are all equally

valuable to those operating in the moral vacuum of what we now know as heritage crime.

The vast majority of crimes committed against fixed heritage assets are not intricately planned offences committed by organised criminal gangs; they are committed by individuals or small groups following the path of least resistance to easy cash. A clear example was the theft of Henry Moore's *Sundial* sculpture from the Henry Moore Foundation in Perry Green, Hertfordshire. In July 2012, neither Liam Hughes nor Jason Parker realised the shiny garden ornament they were stealing from a house adjacent to a country lane was a nationally significant work of art worth £500,000 when they later sold it to a Cambridgeshire scrap-metal dealer for £46.50. These men are currently serving year-long prison sentences for this offence, and happily the sundial has been restored to its owner.

Heritage assets are vulnerable because they are often located in isolated localities or are displayed for the public to enjoy. Police officers cannot patrol in every neighbourhood for every hour of every day. The delivery of intelligent and efficient law-enforcement activity in financially challenging times must, therefore, include a focus on 'collective efficacy' – working with local people and partner agencies to protect assets from those involved in thefts from and damage to the historic environment.

Alongside this local approach, coordinated by police Safer Neighbourhood Teams, chief police officers have been working with the government and partner agencies to tackle the longer-term causes of such crime. Under the expert guidance of Deputy Chief Constable Paul Crowther from the British Transport Police, members of the Association of Chief Police Officers (ACPO) Metal Theft Working Group and English Heritage have targeted the issues that have allowed those committing metal theft in England and Wales to go about their business relatively unchallenged. One important outcome has been the passing of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the Scrap Metal Dealers Act 2013. Under the new laws, dealing in cash, operating without a licence or breaching the licence conditions could all result in heavy penalties. Underpinned by the work of dedicated multi-agency crime teams, this has already resulted in a 43% reduction in metal theft across the country.

## HERITAGE CRIME

It is against the same backdrop of policing partnership that Richard Crompton, the former Chief Constable of Lincolnshire and ACPO lead for Rural and Wildlife Crime, established an ACPO Heritage Crime portfolio in March 2010. Working with English Heritage he helped to establish the two-year secondment of Mark Harrison, then a Chief Inspector with Kent Police, to better inform those tackling crimes against historic buildings and archaeological sites.

Mark and his colleagues also worked tirelessly to develop a Memorandum of Understanding between ACPO, the Crown Prosecution Service (CPS) and English Heritage. As well as fostering cooperation between the respective parties its aim was to ensure that police, prosecutors and the courts were aware of the impact that the theft and damage had on the historic environment. Recognising the variety of criminal offences involved, heritage crime was defined quite widely as 'any offence which harms the value of England's heritage assets and their settings to this and future generations'.

To help achieve this aim, English Heritage established the Alliance for Reduction of Crime Against Heritage (ARCH), a stakeholder group comprising numerous organisations, enforcement agencies and local authorities committed to protecting England's heritage assets.

Since the retirement of Richard Crompton in the summer of 2012, I have been working with police and other colleagues specialising in acquisitive crime. In the light of changing crime trends nationally and internationally – as evidenced by two recent and significant thefts from the Fitzwilliam Museum in Cambridge and Durham University's Oriental Museum – it is timely to reconsider how we are jointly to conserve heritage assets and cultural property for future generations. Nationally, despite falling police budgets, crime is falling but it is still vital to ensure that the potentially rich pickings from heritage crime are subject to the same trend.

Detective Superintendent Adrian Green from Durham Constabulary now leads Operation Shrewd, a national enquiry reviewing the Cambridge and Durham offences alongside other thefts of rhino horn, jade and Chinese artefacts, predominantly from the early Ming and Qing Dynasties, from provincial museums and private collections in the UK and Europe.

Gone are the days when organised criminal gangs focused solely on robbing banks and safety deposit boxes, or importing controlled drugs; they



Most heritage crimes are not carefully planned. The ill-informed thieves who stole Henry Moore's Sundial were paid just £46.50 for its value as scrap metal.

© Henry Moore Foundation

have now accessed a rich new vein that offers significantly higher returns for much lower associated risk. Why would these gangs risk extended custodial sentences for trafficking heroin or cocaine, when rhino horn will net them upwards of £45,000 per kilo and individual pieces of stolen jade or porcelain could deliver instant profits of up to £1 million in the South-East Asian market?

Recognising the growing of organised crime upon the heritage sector nationally and internationally, the Department for Culture, Media and Sport and the Home Office have recently agreed that I will establish an ACPO Heritage Crime Working Group (HCWG), a team of experts brought together to build on existing partnerships to provide even better conservation and protection of fixed heritage assets, historic artefacts and cultural property for future generations.

I envisage that in coming years the HCWG will not only provide vital strategic coordination but also ensure that police forces and other law



An 18th-century jade bowl stolen from the Oriental Museum in Durham on 5 April 2012. Both items were recovered and the offenders sentenced to 8 years.

© University of Durham

enforcement agencies have access to the advice of appropriate experts in tackling heritage crime.

In financially challenging times it is vital that all law enforcement agencies work closely with the government, English Heritage, curatorial organisations, lawful dealers and, importantly, the public to minimise the threat of heritage crime. I am determined that we in policing, whether local neighbourhood constables or specialist teams operating against international organised crime gangs, are making the best use of our available resources to protect our heritage for the future. ■

### **Policing the past, protecting the future**

Mark Harrison

*National Policing and Crime Adviser, English Heritage*

For more than 100 years and through a succession of statutory measures, Parliament has recognised the need to protect England's irreplaceable stock of historic sites and buildings, and more recently its shipwrecks and military remains. The most important purpose of the legislation is to prevent unauthorised alteration or destruction of heritage assets, but another is to protect them from criminal damage or theft.

So what exactly do we mean by heritage crime? As far as English Heritage is concerned, it is 'any offence that harms the value of England's heritage assets and their settings to this and future generations'. What has until recently been less clear is the role of the different enforcement agencies – local authorities, the police, English Heritage and the Crown Prosecution Service – in tackling that crime. Alongside a lack of expertise and inadequate understanding of the nature of the loss and harm that is being caused, this has meant that the task has not been fulfilled to its full potential.

In March 2010, English Heritage and the police service, through the auspices of the Association of Chief Police Officers (ACPO), recognised the need for a more coordinated approach to tackling crime and anti-social behaviour within the historic environment. As a contribution to English Heritage's new Heritage Crime Programme, a senior police officer was selected to act as policing and crime adviser and to devise a framework for a sustainable and coordinated approach to reducing heritage crime and anti-social behaviour.

A scoping exercise was then undertaken to determine the level of support for the development of a partnership model and a shared national definition of 'heritage crime'. Discussions with

enforcement agencies, professional heritage bodies and community groups showed broad support for a partnership model built around five objectives:

- Identification of the risks to assets and their settings
- Prevention of crime
- Capability of delivery within existing resources and structures, in particular existing Neighbourhood Policing and Community Safety Partnerships
- Sustainability
- Capacity to grow its coverage and effectiveness over time.

Our next task was to find out how the introduction of Police and Crime Commissioners would influence the delivery of community safety plans, and in turn to consider how the historic environment be integrated into such plans.

To underpin the willingness to collaborate at both a strategic and local level, the Police Service, the Crown Prosecution Service, English Heritage and Canterbury City Council endorsed a formal memorandum of understanding in February 2011.

In a parallel initiative, an Alliance to Reduce Crime against Heritage (ARCH) was formed to harness the enthusiasm of the wider heritage community and to galvanise action to tackle heritage crime at a local level. Members of ARCH include the National Trust, the Church of England, Crime Stoppers, the Ministry of Defence, English National Parks, the Woodland Trust and the Historic Houses Association, as well as a wide range of archaeological and historical societies.

At a conference organised by ARCH in March 2012 representatives of a wide range of organisations came together to learn more about the Heritage Crime Programme and how they could tackle heritage crime in their local areas and communities.

The National Intelligence Model requires all UK police forces to carry out an annual Strategic Assessment of the scale, extent and location of crime and anti-social behaviour and make recommendations about future policing and partnership strategy and tactics. The first strategic assessment for the historic environment was published by Kent Police in November 2010 and recommended the following priorities in relation to the historic environment:

- criminal damage
- unlawful excavation and removal of articles



## HERITAGE CRIME

- architectural theft including metal theft
- unauthorised works and alterations to listed buildings.

The second assessment was conducted on behalf of English Heritage by Newcastle University, Loughborough University and the Council for British Archaeology in October 2011. It found that about 75,000 crimes affected protected buildings and sites every year – an average of 200 incidents a day. It also showed that the biggest single threat is metal theft and the most threatened type of building is a church.

In May 2011, English Heritage published the first National Heritage Protection Plan (NHPP). This sets out how English Heritage, with help from partners across the heritage sector, will identify, prioritise and deliver heritage protection at a time of unprecedented social, environmental, economic and technological change. Heritage crime has been identified as a discrete activity within the NHPP and is now known as the Heritage Crime Programme (HCP).

Since the launch of the HCP, active partnerships have been set up across England and practitioners and community groups are already gaining the skills and competence to tackle and investigate heritage crime. They have been helped in this by a nationwide series of conferences, seminars and workshops that have so far been delivered to more than 6,000 practitioners and community activists. Elements of the English programme have also been reviewed and adopted in Scotland, Wales and Northern Ireland.

Fifteen local authorities and community safety partnerships, including the Peak District National Park Authority (see Smith, pp 34–6), have recently added their signatures to the Memorandum of Understanding and many others have highlighted their intention to engage in the process during 2013. Meanwhile, the membership of ARCH continues to grow, with more than 160 groups and organisations now working together to share intelligence and press for action at a local level.

In parallel, the Crown Prosecution Service has implemented a national network of 14 senior prosecutors to act as Heritage Crime Coordinators and an increasing number of English police services have appointed officers to act as single points of contact for matters relating to heritage crime – a function that is often aligned to the investigation of offences within the natural environment.

Understanding of the extent of crime and anti-social behaviour and its impact on heritage assets



In May 2011 thieves stole the commemorative plaques from the war memorial at Wednesbury in the West Midlands. The perpetrators were never caught, but a grant from the War Memorials Trust has allowed replacement panels to be secured in a way that should deter further damage to this much-loved local landmark. © Wolverhampton City Council

will continue to develop as the annual assessment regime adopts the full range of quantitative and qualitative research methods.

Over the initial lifetime of the National Heritage Protection Plan (2011–15), English Heritage and its partners from across the heritage sector will be encouraging local authorities and community safety partnerships to implement the partnership model and to become signatories to the Memorandum of Understanding. English Heritage will



Sentencing an offender for painting graffiti on York Minister and Clifford's Tower; Judge Roger Elsey said: 'Given the worldwide significance of the historic sites you damaged with graffiti ... I am satisfied the offences were so serious only a custodial sentence is appropriate.'

© English Heritage

also be publishing a range of on-line guidance for owners, community groups and heritage practitioners that will include:

- risk assessment
- crime prevention measures
- heritage crime impact-statement interventions
- prosecutions and alternative disposals
- sentencing guidance.

Other initiatives will include the development of awareness briefings and training courses to raise the level of knowledge and understanding of risk assessment, preventative measures, investigation techniques and evidence gathering and forensic methods. Our final objective will be to further extend the membership of the Alliance to Reduce Crime against Heritage.

How will we know that we are starting to make a difference? In just over two years the term

‘heritage crime’ has come to be frequently used in academic journals, parliamentary proceedings and across the media. The academic sector has also recognised that the theme of heritage crime provides a rich and diverse opportunity for research and innovation.

In the coming months and years, our ability to record and analyse intelligence data in an accurate and consistent manner will provide us with a better chance than ever before to highlight high-risk locations and take preventative action that will start to bring the menace of heritage crime under better control. ■

*To keep up to date with English Heritage’s Crime Programme visit [www.english-heritage.org.uk/professional/advice/advice-by-topic/heritage-crime](http://www.english-heritage.org.uk/professional/advice/advice-by-topic/heritage-crime) or follow on Twitter at [@EHHeritageCrime](https://twitter.com/EHHeritageCrime)*

## Heritage crime: the facts and figures

In 2011 English Heritage asked Newcastle University, Loughborough University and the Council for British Archaeology to investigate the national and regional incidence of crime. This is what they found.

- Around 75,000 designated historic buildings and sites were affected by crime every year – 200 every day.
- In areas of high deprivation, a quarter of all heritage assets (26.2%) were the subject of criminal damage.
- But there is little variation from region to region – 19.8% of heritage assets in the South were affected by crime compared with 20.3% in the North.
- Our most precious buildings were the worst affected – 22.7% of Grade I and II\* buildings were subject to heritage crime, compared with 18.3% of Grade II buildings.
- Listed churches were by far the most at risk. More than a third (37.5%) were damaged by crime, and one in seven (14.3%) by metal theft.
- 15.3% of scheduled monuments and 20% of Grade I and II\* buildings were affected by antisocial behaviour – a major deterrent to people’s enjoyment of them.

## Find out more

Further details of the Heritage Crime Programme and the Alliance to Reduce Crime against Heritage (ARCH) can be found at [www.english-heritage.org.uk/heritagecrime](http://www.english-heritage.org.uk/heritagecrime)

The National Heritage List for England is an ideal tool for practitioners wanting to identify designated assets within their area. [list.english-heritage.org.uk/mapsearch.aspx](http://list.english-heritage.org.uk/mapsearch.aspx)

The English Heritage Archives contains more than 12 million items relating to the historic environment. For more information see the panel on page 45 or go to [www.englishheritagearchives.org.uk](http://www.englishheritagearchives.org.uk)

### Operation Totem: dealing with crime at a tactical level

Sergeant Alasdair Booth and  
Constable Nic Hanson

*Lincolnshire Police*

Lincolnshire is a large county with a landscape that is predominantly used for arable cultivation. The county also boasts many thousands of archaeological sites and monuments, although the intensity of farming means that many of these sites only survive as artefact scatters within the plough soil. In just ten years, responsible metal-detector users have reported more than 52,000 objects from the fields of Lincolnshire, showing that the area between the Humber and the Wash has been an extensively inhabited part of England for at least 4,000 years.

While the reporting of artefact scatters contributes greatly to our understanding of the past, the relative ease with which artefacts can be found makes metal-detecting a tempting attraction to the criminal fraternity. As well as understanding the minimal risk associated with illegal excavation they are fully aware of the lucrative market price of some of the objects found.

A case in point occurred during the spring of 2011, giving rise to a response from Horncastle Neighbourhood Policing Team based in the old Roman town of Horncastle. The team, led by one of the authors, had to try and develop a response to complaints from local farmers that their crops were being damaged through unlawful excavation of large holes by criminals using metal detectors (often known as 'night-hawkers') over their fields.

Our response was to launch Lincolnshire Police Operation Totem, in which PCs Nicholas Hanson and Rhys Tallentire acted as 'officers in the case' and conducted a number of complex and challenging enquiries to target the individuals who were responsible.

The first aspect of the operation was to establish the extent of the incidents. It was soon discovered that the illegal metal-detecting had been going on unreported for several years, with farmers and their opponents engaging in a cat-and-mouse chase over the land; the trespassers would often hide in pre-constructed dug-outs or abandon their metal detectors in dykes and hollows for later collection.

Through a campaign of concentrated local policing patrols we were able to identify a group of individuals who were visiting the area to illegally metal-detect. The group entered the county from a neighbouring one during the late evening and departed again during the early hours of the

morning. Extensive intelligence gathering by the Operation Totem team built up a picture of the individuals believed to have been involved in committing the heritage crime.

As a result of this intelligence Lincolnshire Police were able, with the assistance of South Yorkshire Police, to obtain a search warrant that allowed its officers, accompanied by a representative of English Heritage, to carry out a search of the suspect's home in order to assist with the identification of possibly illegally looted items.

More than 500 archaeological artefacts were seized during the warrant, along with a number of metal detectors, maps and books. The evidence recovered led to a lengthy investigation during which officers tried to establish where the seized artefacts had originally come from. Throughout this exercise the Operation Totem team worked closely with staff from the British Museum, who provided archaeological and scientific analysis of a number of the items.

The Operation Totem team was also supported by Mark Holmes, the Crown Prosecutor responsible for heritage crime in the East Midlands (see Holmes pp 9–10), who advised officers with regard to appropriate criminal charges. We were also greatly assisted throughout the operation by the staff of the Portable Antiquities Scheme and its Lincolnshire area representative, Adam Daubney.

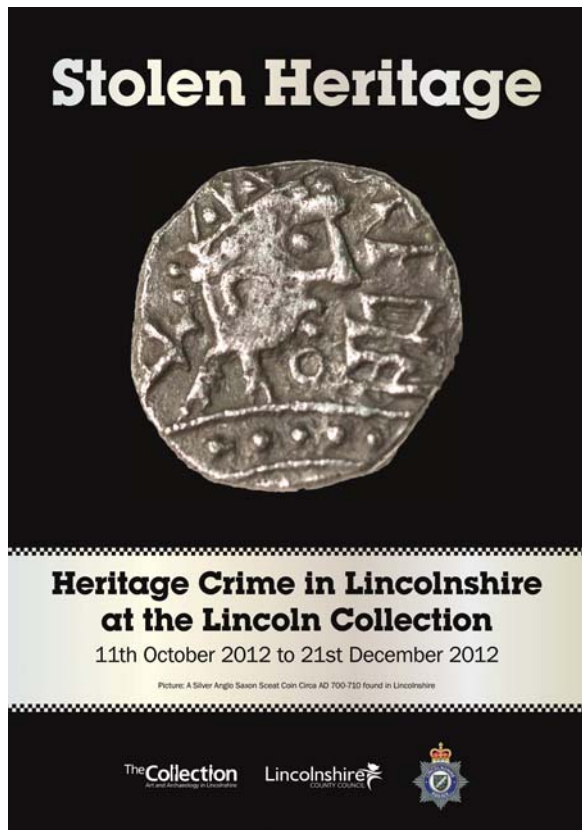
As a result of the investigation and hard work of the Operation Totem team, the suspect was charged with a number of offences in relation to heritage crime. He appeared before District Judge Stobbart at Skegness Magistrates Court in August 2012 and was found guilty of eight counts of



The Operation Totem heritage crime team, based at Horncastle in Lincolnshire.  
© Lincolnshire Police



One of the posters used to publicise a Heritage Crime exhibition held at The Collection, Lincoln's county museum and gallery.  
© Lincolnshire Police



theft and one of going equipped to steal.

Because of the internal publicity it generated among officers and staff of Lincolnshire Police, Operation Totem quickly began to extend its remit. Heritage crime points of contact have been established in different parts of the county and Operation Totem has become the Lincolnshire Police's official response to heritage crime.

Operations now range from increased intelligence concerning criminals – some of whom were targeting archaeological sites to fund drug use – to officers working with the Oxford Archaeological Unit in monitoring and patrolling archaeological sites along the line of a water pipe under construction across the Lincolnshire Wolds.

As well as gathering information, the Totem team has also engaged with the general public through a three-month exhibition at The Collection – the county's archaeology museum based in the City of Lincoln. By displaying some of the recovered items that formed part of the original court case, the exhibition has helped to highlight the importance of targeting heritage crime while simultaneously drawing attention to the impact of illicit metal-detecting on farmers and land-owners. ■

## Bringing heritage crime to court

Mark Holmes

*Crown Prosecution Service*

Just over a year ago I received a message asking me to call the Chief Crown Prosecutor for the East Midlands. A feeling of dread filled me as I speculated which one of my skeletons had finally rattled out of its cupboard. What did one so high want with such a lowly lawyer as myself?

I was relieved when it turned out I was being asked if I would be the specialist lawyer in the East Midlands for heritage crime. Although I didn't know what heritage crime was I eagerly accepted. I was reassured as it was not a telling off and it sounded a bit historical, which piqued my curiosity.

'That's good', she said, 'we have two current cases that need advice and possible prosecution'. 'No problem', I said with my normal bravado but an underlying fear of plunging into the unknown.

So I scurried off to find out all about heritage crime. It soon became apparent how wide-ranging a field this is, covering issues as diverse as stealing lead from church roofs, urinating on ancient buildings and illicitly removing historical artefacts from archaeological sites.

I have always found that when prosecuting specialist offences (such as wildlife crime and heritage crime) it is sensible to use a two-stage process. First, there has to be a good working relationship between me, the police and any historical experts associated within the case. Once you have established a good team ethic prosecution becomes much easier and the results obtained are far better.

Secondly, once you have looked at all aspects of the case you have to apply the two tests that apply to all Crown prosecutions – is there enough evidence to allow a realistic prospect of conviction and if so, is prosecution in the public interest?

The first of these tests does not require us to be 100% certain of success, but it does mean that we cannot run cases that appear doomed to fail, however strong our hunch that the defendant is guilty or our belief that the crime they are accused of is heinous or unpalatable.

Fortunately the heritage crime offences that have been brought to my attention in the East Midlands have been well-evidenced by excellent police officers and with superb assistance from agencies such as English Heritage and the British Museum.

Once it has been decided that the evidence is sufficiently robust to allow for a prosecution I have

## HERITAGE CRIME

to apply the test of public interest. The impact of the offence on the nation's heritage will be a significant argument in favour of prosecution but I am duty-bound to balance this against other extenuating factors – for example, did the defendant subsequently pay for all the damage caused, has he made a large donation to charity or written heart-felt letters of apology? Sadly, mitigating circumstances of this kind are very rare, which means the test of public interest is relatively easy to pass in the case of heritage crime.

Even if both tests are passed on initial scrutiny I have to remember that they remain ongoing and need constant thought and consideration. What may begin as a superficially straightforward and well-evidenced case can turn out on closer investigation to be flawed, in which case it is my duty to stop it in its tracks. While we want to prosecute people we have good reason to believe to be guilty, we are forbidden from pursuing improper cases.

It then becomes the job of the solicitor to ensure that the case is properly run and to strive for a positive result at court. This often involves a three-pronged process.

First, it is important to build a good working relationship with the police officer assigned to that case. In my experience, while most police officers are capable and hard-working, you must remember that this may be an area of criminality they have not come across before. In addition, an officer more familiar with low-level rural crimes can suddenly find him or herself destined for the Crown Court when dealing with specialist cases of this kind. The shift from investigating cases bound for the Magistrates' Court to overseeing a large Crown Court trial can be a big culture shock.

Secondly, it is important to liaise closely with specialist agencies such as English Heritage. Any case of heritage crime is bound to raise questions that you will not understand and on which you will need expert clarification. There may also be issues that pass you by unnoticed if you fail to seek proper expert guidance from the outset. This is often a mistake made by defence lawyers and I have more than once seen experienced advocates suddenly realise they have missed a crucial point, as a result of which their argument has fallen apart. A fear of such a catastrophe should keep a good lawyer on their toes and ensure constant vigilance to issues in the case.

Lastly, it is important to have a good advocate for the trial, in particular one with sound knowledge of the law but also an understanding of the impact of such offences. And it is not just the ability of the



In a landmark case brought by the Crown Prosecution Service, the diggers of this illegal excavation of a scheduled monument at Irchester in Northamptonshire received suspended prison sentences and Anti-Social Behaviour Orders.

© Northamptonshire County Council

advocate to perform well at trial. Cases are often won or lost on the quality of the case conference between the solicitor, the advocate and the officer that precedes the court appearance.

So in essence the key to successful prosecution is good teamwork, coordinated by a heritage-crime solicitor whose job it is to balance the needs of the case and hopefully steer it to a successful conclusion. I have been lucky enough to work with some wonderful and dedicated people and this has resulted in success in all of the East Midlands' heritage crime cases we have so far brought. Long may it continue. ■



### Protecting West Cheshire's heritage: the local authority response

Councillor Hilarie McNae

*Heritage Champion, Cheshire West and Chester Council*

Ian Marshall

*Team Manager, Specialist Environment Services,*

*Cheshire West and Chester Council*

In his guide to the architectural buildings of Cheshire, Pevsner praises the abundance and variety of the county's heritage. We are lucky to have so much history around us: it enriches our lives, and is a fundamental factor in making Cheshire West and Chester such a wonderful place to live, to work, and – of course – to visit.

Our borough is by no means a hot-bed of crime, but we are affected by the same kinds of anti-social behaviour that, sadly, are now common nationwide. However, that which is simply classified as

bad behaviour or vandalism in other places becomes a heritage crime in an historic settlement like Chester.

Crimes against heritage are not victimless and deserve to be taken seriously by enforcement agencies and society. When these assets fall victim to theft, damage and vandalism it is not just the owner who suffers. The whole community is the loser and very often whatever has been stolen or damaged is literally irreplaceable.

Heritage matters to people. More than 5 million people in England are members of the National Trust or English Heritage. Heritage attracts inward investment and supports regeneration and the local economy. Chester's walls and towers alone are estimated to be worth in excess of £25 million a year to the city's economy. Observation of, or accidental involvement in, these crimes by residents or visitors, particularly international visitors, has the potential to seriously tarnish the borough's image.

Having secured the support of the Leader of the Council, Mike Jones, and the Cabinet Member, Lynn Riley, our first step towards tackling the issue was to make the Council a member of the Alliance to Reduce Crime against Heritage (ARCH), and secondly, to sign up to the Memorandum of Understanding with English Heritage, the Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (see p 4). This we did in February 2011, becoming only the third English local authority to do so.

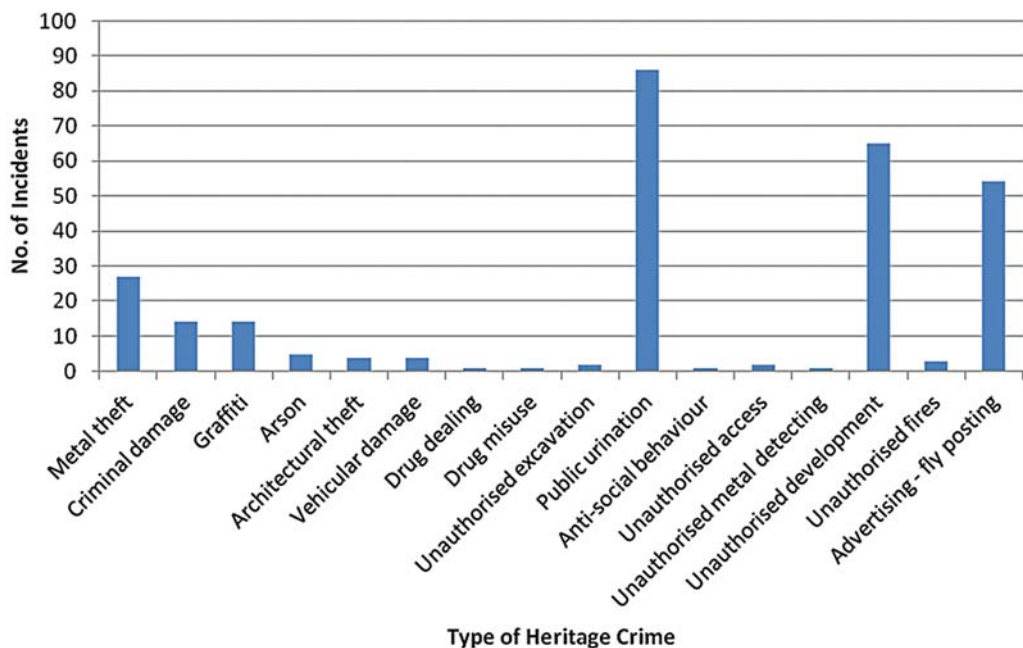
Since then, the council's approach has been to integrate heritage crime reduction activities

through the existing framework of its Community Safety Partnership. Like any crime-prevention strategy, our approach is underpinned by three pillars: first, intelligence gathering to understand what crimes are taking place, where and by whom; secondly, concerted and co-ordinated actions by the enforcement agencies; and thirdly, the support and co-operation of the public.

Two years into our work, the fight-back is well and truly under way and our partnership has made significant progress across many areas:

- We have identified 16 different types of heritage crime and anti-social behaviour across the borough, establishing that the most serious crimes are metal theft (mainly of lead, and predominantly to places of worship), unauthorised works to listed buildings and properties in conservation areas, and public urination on Chester's medieval Rows.
- Tactical plans to prevent and improve responses to priority crimes have been drawn up and are being delivered by inter-agency groups.
- Conservation officers have prepared victim-impact statements on heritage crimes, which are read out when offenders appear in court to demonstrate the social, environmental and financial costs of heritage crime.
- A Strategic Tasking and Co-ordination Group, which includes Cheshire West and Chester Council, Cheshire Police, English Heritage, Cheshire Fire and Rescue Service and the

Cheshire Council and its partners are recording heritage crimes using a national vocabulary developed by English Heritage for the purpose.  
© Cheshire West and Chester Council





## HERITAGE CRIME

Crown Prosecution Service, is taking forward the fight against heritage crimes.

- The launch in March 2012 of 'Heritage Watch' by Cheshire Police and enforcement agencies – the first community initiative in the country that involves the public in caring for their local heritage assets.
- The police have introduced procedures to manage the public's expectations. These include new methods of call-handling; Single Points of Contacts (SPOCS) for heritage crime in each of the force's 19 Neighbourhood Police Team areas, and training for officers in heritage assets, legislation and how to respond to offences. While heritage crimes will never take precedence over other more serious types of crime affecting society, the police are now giving them a more proportionate response.
- General and targeted communication is integral to all this, and a joint programme, including the use of social media to reach younger age groups, is raising awareness of the issues, highlighting specific cases, and encouraging people to take action.

Local authorities have a key role to play in the fight against heritage crime, and much to gain from active participation. The experience of Cheshire West and Chester Council is that a proactive, co-ordinated and directed response can meet local people's needs, add value to the work of individual partners and improve outcomes.

In the first instance, it has brought communities together to care for the environment in which they live. The public's concerns are being better addressed, reporting routes have been clarified, and there is increased confidence that something is being done ('you said, we did').

Secondly, new working relationships have been forged between professional officers within and across agencies, creating opportunities to pool skill-sets, knowledge and expertise. Working more closely together has also clarified the roles and responsibilities of those involved in the prevention, investigation, enforcement and prosecution of heritage crime.

Thirdly, by tackling crime that degrades our heritage or that deters us and our visitors from enjoying it, we are helping to reduce the potential financial costs to the local economy.

Fourthly, by raising awareness of the issue of crime and anti-social behaviour in the historic



Chester's unique Rows are the target for public urination and other anti-social behaviour. Although a Walk of Shame has successfully prevented re-offending, it has not reduced the overall number of incidents of urination.  
© Cheshire West and Chester Council



Heritage Watch aims to bring communities together to care for the environment in which they live.  
© Cheshire Police

environment we are achieving recognition that heritage crimes are not victimless. On the contrary, they result in considerable social distress, economic cost and often-irreversible environmental damage.

Finally, by working smarter, sharing services and involving volunteers we managed to achieve positive results without increasing costs for the partners, or diverting existing resources – essential considerations in the current economic climate. We are tackling heritage crimes as part of the day job – and empowering agencies to fulfil their existing responsibilities. Our work has also been shaped by the appointment of our first Police Crime Commissioner, who has already committed himself to the battle against rural and heritage crime as part of his new police plan for Cheshire. ■



The roof of the Grade I St Peter's Church, Plemstall, after attack by metal thieves in June 2012.  
© Diocese of Chester

## Archaeologists supporting the Police

Michele Johnson and Andrew Richardson

*Canterbury Archaeological Trust*

Most British police forces now make use of civilian volunteers, known as Police Support Volunteers (PSVs), who undertake a wide range of tasks. We have been PSVs with Kent Police for several years now. As professional archaeologists who work for Canterbury Archaeological Trust, we bring our skills and knowledge to help the police in the prevention and investigation of crime and anti-social behaviour that affects heritage. It is thought that we were the first PSVs in the country with a specific heritage role.

Over the last few years we have helped Kent Police, and other forces, on a wide range of cases, as well as assisted with the training and education of police officers and others in the law enforcement community. From the outset we have worked closely with Mark Harrison, initially when he was a Chief Inspector with Kent Police, and latterly in his role as National Policing and Crime Adviser with English Heritage.

We have helped out at all stages of the investigative process – with the initial investigation of crime scenes (particularly in cases of illicit digging

on archaeological sites), with searches of suspects' properties, by briefing officers ahead of interviews of suspects (and occasionally assisting with those interviews), by providing evidence statements and by preparing impact statements for consideration during sentencing of convicted offenders.

At all these stages, our training and experience as archaeologists has meant that we can provide skills and knowledge that very few police officers can be expected to possess – although there are a surprising number of police officers with some archaeological knowledge or interest, indeed, many of them archaeology graduates. We also complement each other with our skill sets; Andrew has specialist knowledge of metal-detecting and metal small finds, which is invaluable in cases involving illicit metal-detecting, while Michele has a background in forensic archaeology, which allows her to combine archaeological and forensic expertise when dealing with damage to an archaeological site.

But the learning and skill-sharing has been very much a two-way process. Over the years we have learnt a lot about the way in which the police investigate and solve crimes. We have also learnt about criminal behaviour. This means we now have a role in sharing what we have learnt with others in the heritage sector, as well as with those in law

Professional archaeologists working as Police Support Volunteers can provide invaluable expertise during the investigation of illegal excavations.  
© Mark Harrison





enforcement. We have witnessed ‘heritage crime’ evolve from a concept to being a core part of the business of English Heritage, and an accepted element of policing across large parts of Britain. We have even been to an international conference in Rome to speak about our work.

Being Police Support Volunteers with a heritage role has been rewarding, exciting and eye-opening, and has taken us to places we never expected to go in our careers as archaeologists. There is plenty of need for lots more volunteers like us. So, to anyone who cares about our heritage and the damage done to it by crime, consider becoming a heritage PSV; you won’t regret it! ■

### Listed building prosecutions

Bob Kindred MBE

*Bob Kindred Heritage Consultants Ltd, formerly Head of Conservation and Urban Design, Ipswich Borough Council*

Carrying out any work that may affect the character of a listed building or almost any work to a scheduled monument without consent is a criminal offence, as is the unauthorised demolition of a building in a conservation area. This reflects the seriousness with which Parliament views unauthorised works and the consequent loss of heritage assets.

Legislators and policy-makers have generally assumed that heritage management is underpinned by virtuous intentions that are positive and enthusiastic at best, but benign at worst. Unfortunately in too many instances this is not the case.

Only in recent years has greater attention been paid to the need for and effectiveness of penalties as a deterrent to deliberate defacement and illegal demolition. Sanctions to address the mutilation or loss of heritage assets, left largely to local planning authorities, were too infrequently invoked.

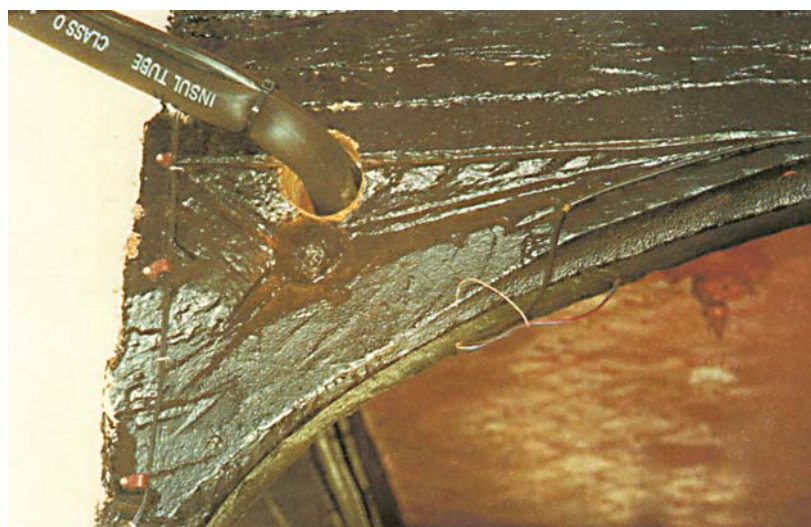
The need to obtain prior consent to demolish protected heritage assets was only introduced in England in 1968, but much serious defacement and mutilation continued unchecked. When any action was taken, penalties were usually low. Even our legislators were not immune from individual acts of defacement or demolition – during the 1990s two Members of Parliament were successfully prosecuted for damage to listed buildings.

It is also not uncommon for legislation facilitating prosecution to be enacted without any clear idea of the likely effectiveness in practice, nor are the consequences monitored once it is in operation.

In order to assist local authorities in the execution of their powers, the Association of Conservation Officers (now the Institute of Historic Building Conservation, IHBC) established a national database of listed building prosecutions in 1996. Information continues to be gathered on a volunteered basis and is accessible on-line on the IHBC’s website. Nearly 200 cases are now documented.

From the available data, it seems that fewer than a quarter of local planning authorities have initiated any prosecutions over the last 17 years – and of those that have, many have done so only once. If defendants subsequently received a nominal fine or were acquitted, authorities were often understandably reluctant to repeat the experience, given the need to deploy significant professional resources to bring a case to court.

A small number of fines have been substantial. Several of these involved the demolition of a listed building without consent to facilitate a more profitable redevelopment on the cleared site, with the court fining the defendant the equivalent of the site value. As long ago as 1989, the owners of two Grade II-listed cottages in Chatteris, Cambridgeshire, were fined a site value of £70,000 in the Crown Court, the highest fines levied until 2007. Recently substantial fines have also been levied for the demolition of unlisted buildings in conservation areas (as in one of the two cases illustrated). In a few cases, although the fine was quite small, the costs awarded to the local authority for prosecuting the case were substantially more



This Grade II building dating from c 1540, was listed in 1951. The local brewery owner was fined £3,000 for cutting this unauthorised 50mm hole through the medieval spandrel panel to install beer-chilling equipment. The installer was only cautioned because contractually the brewery was required to obtain any necessary consents.

© Bob Kindred





This unlisted building in a London conservation area was effectively demolished without consent, apart from the front façade, resulting in a record fine of £120,000 and costs of £100,000 awarded to the Council. The works to excavate a new basement commenced before planning approval had been given and instability to the flank and rear walls ensued. © Bob Kindred

than the fine, as at Market Bosworth, Leicestershire, where the defendant was fined £1,000 for unauthorised alterations but had to meet the local planning authority's costs of £45,000 in addition to his own.

Custodial sentences have been rare, but in 1992 the owner of the listed former Methodist Chapel at Dartmouth, Devon, was sentenced to four months in jail for persuading a contractor to use explosives to damage the building sufficiently to justify its demolition. The contractor was also given a four-month sentence with three months suspended for two years. Other custodial cases have involved the theft of lead from roofs or protracted refusal by defendants to comply with enforcement notices requiring reinstatement work.

In the past the government specifically encouraged local authorities to consider whether to take enforcement action, or to prosecute, or both when faced with unauthorised alteration or demolition. While a requirement for offending work to be put right might be enough (but sanctions could be applied if this was not done), it was also made explicit that unauthorised work often destroys historic fabric whose special interest cannot be restored by enforcement. It was made clear that 'well-publicised successful prosecutions can provide a valuable deterrent to willful damage to, or destruction of, listed buildings' and 'it was the

Secretary of State's policy to encourage proceedings where it is considered that a good case can be sustained'. This is no longer explicit government policy but the principle still holds good; however IHBC's data indicate that too many local planning authorities fail to heed this advice.

National publicity surrounding the successful prosecution that followed the demolition in 2004 of 'Greenside', a listed house in Surrey, led the Department of Communities and Local Government (DCLG) to publish *Best Practice Guidance on Listed Building Prosecutions*, in 2006. This has proved particularly helpful to conscientious local planning authorities faced with potential offences.

Notwithstanding government guidance and relevant expertise within local authorities, the unfamiliarity of magistrates with listed-building offences – often because of infrequency – has tended to result in inconsistent sentencing and a potential disinclination to prosecute further cases.

One well-cited example concerns the case of a contractor who removed a fireplace without consent from a listed building in Shropshire, for which he was subsequently fined £1,000. The same contractor then completely demolished another listed building in the same town nine years later but this time was fined only £1,200. An indignant spokesman for the local planning authority remarked, 'so much for inflation and the increase in the maximum fine over nine years!'

More recently, in a case in Richmond upon Thames in 2011, the presiding judge remarked on the usefulness of the IHBC's database in setting a context for an appropriate level of fine, and expressed the view that additional background information on individual cases would greatly assist the judiciary in sentencing. This was duly undertaken by IHBC in 2012.

One of the priorities in terms of heritage crime is to address issues associated with the effective resolution of unauthorised works. While national heritage enforcement and prosecution policy has developed only slowly, recent research and best-practice guidance has appeared largely as a consequence of inactivity or insufficient priority being given by local authorities.

It is to be hoped that recent initiatives, particularly the participation of local authorities in the Alliance for Reduction of Crime Against Heritage (ARCH), the dissemination of good practice and the availability of information via the IHBC database will give local authorities more confidence to address this serious issue in future. ■

# Enforcement and Deterrence

**Preventing heritage crime depends on understanding the risks – and on knowing how to take firm enforcement action when it does occur.**

There are many ways in which historic buildings and monuments can be protected against criminal damage. However, effective deterrence depends on understanding the particular kinds of risks to which each individual property is exposed.

As Mike Harlow and Mark Harrison (pp 16–17), David James (pp 17–18) and Louise Grove show (pp 18–20) heritage crimes can take many different forms. While some are targeted at the value of the asset itself, others may be the incidental consequence of other illicit activities. By monitoring the past incidence of crime it becomes easier to predict its future occurrence, and thus in turn to take appropriate steps to discourage it from happening again.

At the level of an individual property those defensive measures can themselves take a variety of forms, depending on the size and location of the site and the kinds of attack to which it likely to be most vulnerable. As Jon Livesey (pp 20–2) argues, the trick is to provide maximum deterrence with the minimum of impact on the all-important historic character of the place.

And if site security fails to do the job, the next line of defence is swift and investigation and enforcement action (Fisher pp 22–3) – a potentially powerful deterrent to criminals thinking of trying their luck elsewhere.

## Focusing effort on places most at risk

Mike Harlow

*Governance and Legal Director, English Heritage*

Mark Harrison

*National Policing and Crime Advisor, English Heritage*

If you are reading this you are surely bothered about our heritage. You are also, we hope, bothered about how to protect it against crime. But you may be wondering whether there is anything you personally can do about it; and, if so, what to do and where to start.

**STEP 1:** find your local heritage assets. This is easy. The National Heritage List for England ([list.english-heritage.org.uk/mapsearch.aspx](http://list.english-heritage.org.uk/mapsearch.aspx)) will show listed buildings, scheduled monuments, registered parks gardens and battlefields and World Heritage Sites on a map of your area. Your local authority website will show the conservation areas. The local historic environment record will show the

undesigned, which is not to be forgotten. Some undesigned archaeological sites are easily as important as our scheduled monuments.

But that's a lot of stuff to worry about. So, **STEP 2:** narrow your focus. Think about the following factors:

- **Heritage significance** How important is the building or place?
- **Sensitivity** How sensitive is it to potential criminal damage?
- **Vulnerability** How well is it currently being protected?
- **Threat** What is the crime threat locally at present?

In other words, if you have a Grade I building with lead on the roof, gold ornaments and a timber frame, whose security has not been professionally reviewed and which is left open all day unattended in a part of town where the crime maps show busy police officers, then that's your first concern. Those private houses in good order with large dogs at the five-bar gate can probably be left alone.

**STEP 3:** Do something. Preventative measures are an obvious good thing and many do not require physical alteration. But don't just think about the heritage asset itself. Turn the argument round. If the asset is important to the community for its current use and enjoyment or for its potential in characterful and sustainable regeneration, then



The roof of the Grade II\* Church of St Bartholomew at Sproxton in Leicestershire after an attack by metal thieves.

© Rupert Allen

argue for a greater general law enforcement effort to protect it and the area around it.

With the help of others, English Heritage has produced a *Heritage Crime Risk: Quick Assessment Tool* that shows how to take these steps in practice. Following it will enable owners, societies, the police, local authorities, and anybody else who's bothered, to identify the key sites at risk and the preventative measures that might work best in those circumstances.

Finally, **STEP 4**: tell people about it. Having identified vulnerable sites, get others to worry with you. The most encouraging thing that we have experienced in the Heritage Crime Programme is how easy it is to find enthusiasm for this work in all walks of life. Police officers are all archaeologists – it's just that they are interested in very recent history. All councillors and Police and Crime Commissioners want their communities to be vibrant and characterful. All neighbours want their area to be safe and in good repair.

If you get to the stage: when the local neighbourhood policing team knows the building is special and protected and has called in to give crime prevention advice; when the local authority has the building on its heritage at risk list; when the local councillors and Police and Crime Commissioner are all calling for coordinated action to improve the sense of safety around the building so that it can be used and enjoyed to its full potential; and when community groups are helping to put

the place in good condition, to break out of a spiral of decline, then you are winning. Because then you have harnessed the inherent attraction of our historic places to those who can, together, do something about it. ■

**Sharing expertise: tackling heritage crime through professional partnership**

David James  
*Ecclesiastical Insurance*

*David James, from specialist heritage insurance company Ecclesiastical spent time on secondment at English Heritage working with Mark Harrison, National Policing and Crime Adviser. Here he talks about his experiences.*

Protecting the historic environment, it's not easy is it? From suspect building 'improvements' and poor maintenance to good old-fashioned crime, there are many risks out there to deal with. Around 20% of listed buildings are harmed by crime every year and that figure nearly doubles for listed places of worship.

Ecclesiastical are specialists in heritage insurance with responsibility for insuring 10 of the UK's 27 World Heritage Sites and more than 50% of Grade I-listed buildings. We have been working in partnership with English Heritage for a number of years, but a full-time secondment to the Heritage

**Is your asset at risk? If you have ticked 'yes' to more than two blue category questions or three in total, your asset may be at considerable risk**

RISK FACTORS	TYPE OF HERITAGE ASSET					
	Buried ruins and archaeology	Upstanding ruins and archaeology	Park or Garden	Listed building – residential	Listed building – non-residential	Memorial and public art
Is the asset long term unoccupied? (empty for more than thirty days) or is it left open without supervision?				■	■	
Does the asset have accessible external metal? (lead, copper)	■			■	■	
Is there a lack of supervision of the asset?				■	■	
Can vehicles access the site easily – including 'out of hours'?						
Is the asset showing signs of neglect?						
Is there a lack of awareness in the local community of the importance of the asset?	■					
Is there a lack of security measures (e.g. alarms, fire, detection, robust locks, gates) at the asset?						
Is crime a problem in the local area? (www.police.uk)		■	■	■		



Crime team recently provided me with the opportunity to share more of our expertise and strengthen this relationship.

Prior to my secondment I had worked in a number of Ecclesiastical teams, which brought me into contact with heritage assets and the people responsible for their upkeep. My experience ranged from restoring damage caused by heritage crime, when working in our technical claims team, to providing customers with practical advice as part of my current role as a Risk Services Surveyor.

This practical experience was put to good use during the secondment, when we developed two separate risk assessment tools. The first is a fairly simple tool that can be used by practitioners or volunteers with little or no technical experience. It consists of a number of 'yes' and 'no' questions about the key risk factors affecting heritage assets (see figure, p 17). The second is a more detailed survey tool that can be used by experienced practitioners and crime prevention officers to provide a more comprehensive quantitative assessment of the level of risk an asset faces.

The purpose of both tools is to identify the most vulnerable assets in an area so local effort and resources – for example, the time of volunteers and Police Community Support Officers and the support of financial grants – can be focused on those assets most at risk. Initial testing and feedback on the assessments has been positive and final testing is now underway with the East of England crime prevention group.

When you encourage people to think about the consequences of the loss or damage to a heritage asset you find a real desire to combat this type of crime. Estimates suggest that every year 450,000 people volunteer their time in support of heritage assets, so the workforce is clearly out there. The tools and guidance developed as part of the programme should enable them to make a difference, whether they are skilled practitioners or not.

On a personal level, the secondment has allowed me to bring a wealth of contacts and knowledge back to Ecclesiastical. In particular, the time spent with heritage practitioners on the front line has enhanced my understanding of the day-to-day issues these experts face – insights that I and my colleagues will now be able make valuable use of in our dealings with our own customers in the heritage sector. ■

### Reducing the opportunities for heritage crime

Louise Grove

*Lecturer in Criminology and Social Policy, Loughborough University*

Opportunity plays a role in all crime. The importance of this should not be understated. This is particularly relevant for heritage crime because it puts the power squarely back in the hands of the owners, managers, and tenants of heritage assets. By reducing the opportunities for crime, we can all reduce our risk. It means that we can (for the present purpose of prevention) set aside the motivations of offenders, and the difficulties of detection. It is sufficient to understand that there will always be motivated offenders out there.

### Targeted heritage crime

These are crimes that attack a heritage asset because of its unique features. Examples might include theft of statues, paintings or fireplaces. These may be kept as 'trophies', added to private collections, or sold on for profit. Wherever possible, these artefacts should be protected to reduce the risk of theft. At the very least, all items and features should be carefully documented and photographed to provide proof of ownership – this sort of evidence can be vital in creating a successful prosecution case. Make particular note of any unique marks or damage on the items.

These crimes need to be reported to your local police as soon as you notice them: if a crime is in progress, dial 999. Prevention may be achieved by making it more difficult to access a site through the use of gates, prickly shrubs, and the closing of car-parking spaces out of hours; encouraging more local people to use publicly accessible assets to increase the informal monitoring of a site; or, where a problem is recurring, by using more formal surveillance measures such as CCTV and alarms.

### Heritage-specific offences

These are perhaps the offences that owners, managers, and tenants of heritage assets are most likely to be guilty of themselves – regardless of whether there is any intention to commit an offence. These are offences that exist specifically because an asset is protected in law: for example, unauthorised alterations to scheduled monuments and listed buildings. Here, it may be impossible to understand the true extent of the crimes committed because they are generally out of the public eye. If a family



Theft of supporting arches caused considerable damage to the masonry at Grace Dieu Priory, near Loughborough.

© Peter Riley-Jordan

knocks through the downstairs of their Grade I-listed cottage to create a more modern living space without consent, it is unlikely to come to official attention except by accident.

These are crimes that need to be reported to your local conservation officer or planning department. Prevention in these cases may be best achieved by education through existing groups and networks such as ARCH (Alliance for Reduction of Crime Against Heritage).

### **Incidental heritage crime**

Unlike the other types of crime listed here, incidental heritage crime does not have strong links to the relative historical importance of the site. Rather, there are other features of the site that create opportunities for crime. For example, an unsecured building may provide shelter on rainy nights, which could then act as a hub for anti-social behaviour. Again, these crimes need to be reported to the police, either through the non-emergency number 101, or by dialling 999 if the crime is in progress.

These crimes occur because attributes of the site have no relation to its historical significance, and so offenders may be diverted to a more suitable site elsewhere. Often, crimes of this type would not be considered offences at a different location, and therefore appropriate techniques may include encouraging young people to congregate at a youth club, or working in partnership to provide alternative facilities.

### **What can I do?**

There is a very simple tool, SARA, used within problem-oriented policing that you can use on your own heritage asset. SARA stands for Scanning, Analysis, Results, and Assessment.

#### **Scanning**

What is the problem? Keep a notebook, or a database if you're more technically minded, and write down everything that happens. This does not have to be a crime in progress, but could be someone you have seen acting unusually, graffiti you have spotted, or particular times when you have concerns. Ask other people who use the site to let you know if they see anything. This information could be shared with other asset owners in your area.

#### **Analysis**

Next, see if there are any patterns. It could be that criminal damage is often spotted on a Saturday morning, or that crowds of young people cause concern in the late afternoon. It could be that someone has told you that a white van has parked outside your property for the past three days. This will give you an idea of exactly what the problem is: there is no benefit to spending time and money on locks and gates to secure a property overnight, if the criminal damage is happening during opening hours.

#### **Response**

Think about what you can do to address the problem. What is your budget? Have you got any volunteers to draw on? How big is the problem? You should use resources and advice from experts in heritage crime: local community police may be able to help you here. Works to your asset may require consent, so do ask your local authority for advice. You might also want to consider setting up a Neighbourhood Watch-style scheme, working with other heritage asset owners and groups in your local area.

#### **Assessment**

Finally you will need to look at the success of your responses. Has the problem been reduced? Has it moved somewhere else? No matter what the end result, you should always return to 'Scanning' and continue your monitoring activity to ensure that you are picking up on any minor problems before they become more difficult to tackle.

### And finally...

Perhaps the most important message regarding heritage crime is that there is no such thing as shutting the stable door after the horse has bolted. Repeated victimisation is common. Once your asset has been targeted by offenders, there is a much higher risk that it will be targeted again. This is also true if similar assets in the area have been targeted by crooks. There are plenty of ways in which you can reduce your risk, and much of the advice that is provided by organisations such as the Center for Problem Oriented Policing ([www.popcenter.org](http://www.popcenter.org)) can be used in the heritage environment with minimal adaptation. ■

### Keeping heritage sites secure

Jon Livesey

National Security Adviser, English Heritage

So, we have a medieval castle: its curtain walls are 4 feet thick and 30 feet high to repel armies, and yet we cannot stop teenagers getting in and vandalising the place! What's stopping us getting a result? What type of building could be better suited to keeping people out? And philosophically speaking, are we in fact fulfilling the ancient *raison d'être*?

Q. Why not infill the gap in the curtain wall with matching masonry?

A. Well it's quite possible that the gap has historic significance ('created by Cromwell's army to breach the wall and take the castle...'); or there may be objections to using a stone that will never match the original.

Q. OK, why not use fencing to fill the gap?

A. Well it would look out of keeping, and besides it's so remote it will probably get damaged quickly ... and even if we did fill the breach, they'll probably just scale the wall because the mortar joints are so deep my granny could climb up ...

Such are the challenges of securing a (not so) fictitious castle. And sometimes the castle might not be a ruin and could contain significant value.

You might wonder why heritage sites attract criminal activity – there appear to be three broad reasons. First (and perhaps not surprisingly), there may be assets that can be traded for cash – lead, fire surrounds, carved timber and building contents (fine art, cash or other collectables) will all entice thieves.

A second reason may be place. Ruined castles and abbeys have long held attractions to children



Graffiti is a problem at sites of historical importance all over the world, including here at Torre del Mangia, Siena. © Mark Grove

as adventure playgrounds. More recently, urban explorers make it their business to discover and open up to a world-wide audience the charms and excitement of previously hidden historic havens. But this benign play and interest can too easily lead to vandalism, littering and nuisance-behaviour of all types. These sites also tend to be secluded, hidden from prying eyes and casual passers-by, with porous boundaries, so easy to get into and out of. Partially surviving roofs or vaulted remains provide shelter from the predictable English drizzle.

Thirdly, it is not uncommon for heritage sites to be slightly run down, apparently uncared for – dilapidated even. The broken-window theory argues that decline begets decline, so forgotten follies or downcast town-houses in areas of social and economic decay suffer the same fate. In some cases, former glories are masked by crude shutters and a cloak of abandon so that the true historic character is unrecognisable, even if that were enough to encourage more respect. They become targets for architectural theft, vandalism and graffiti.

Those familiar with crime-prevention theories will have noticed parallels with the factors that attract miscreants to any type of building. So what is it that's special about heritage crime? The difference, of course, is about the special value that we as a society or community place on these priceless places – not just as historic artefacts that cannot be replaced once destroyed but also because of the quality they bestow on the surrounding built environment or rural landscape.

The adage about prevention being better than cure might have been coined for the historic



environment. Once the original has been lost (even supposing repairs can be funded) any replacement is just that – a facsimile.

So, what to do about it? Strategies for securing heritage sites are recognisable to any security or risk professional – identify and quantify the threat, assess the implications and consequences of an incident, develop counter-measures, carry out a cost-benefit analysis and apply with care. However, these calculations need to answer both practical and intangible challenges. Not least of these is arguing the case for protecting heritage in the first place. Owners of heritage sites must also exercise their duty of care to neighbours who might suffer the nuisance of rowdy behaviour and to those who might injure themselves.

Solutions are many and varied. For good reasons, there is a presumption against too much physical intervention, whether in the form of fences, bars at windows or CCTV cameras. The visual impact of 21st-century technology will clearly jar with the peace and repose of a Cistercian abbey; the accompanying drilling for cable routes and lifting of timbers results in loss of historic fabric. So would manned guarding be a better answer? Well as a stop-gap, yes, but as well as being a costly option its effect is lost the minute the guard is withdrawn. The onus must be on improving the environment and removing factors that create opportunities for crime in the long term.

The trick, therefore, is to choose just enough security measures to protect the building and



In 2008 thieves stole the lead from the roof of Lord Burlington's Ionic temple in the grounds of Chiswick House (above left). The restored temple (above right) now includes discrete electronic security devices (below) to deter future damage to this important Grade I building. This was favoured over CCTV because of the small size of the target and the visual impact of the number of cameras needed for an effective solution. © English Heritage

its contents from permanent damage, without detrimental impact on the heritage character. Equally important is remembering that today's security measures will eventually be replaced by better and newer solutions, so interventions must be reversible.

Security problems at heritage buildings cannot be solved by panaceas and there are no quick fixes. The sites are often difficult to design for and require systems to work at their extremes. For this reason, new technology would appear to have much to offer. Wireless transmission is an obvious candidate, but has limitations where thick masonry walls are involved. Likewise, a single high-definition (HD) or megapixel camera is surely a more efficient means of recording an entire building elevation than three separate PTZs (pan-tilt-zoom) cameras. But can the scene be adequately lit at night? And how well does the HD camera respond to moving images at distance?

So, back to our castle. The starting point should always be early consultation with the local conservation officer, police and other partners. Our solution might perhaps look something like this:

- Reduce options for unauthorised parking close to the site
- Use physical measures to reduce the number of access points to a minimum
- Install a small number of CCTV cameras, movement detectors, infra-red lighting and loudspeakers
- Transmit images to a remote operator who can issue warnings to site custodians
- Have an escalation process that allows a mobile patrol to be despatched or, in severe cases, initiation of a police response. ■

### Taking legal action against heritage crime

Joanne Fisher

*Legal Adviser, English Heritage*

#### Why is heritage crime different from other crime?

Criminal offences and anti-social behaviour can be targeted at all kinds of building and site, whatever their historical status. However, the impact can be very different when heritage assets are affected.

A metal plaque stolen from a war memorial may have no greater monetary value than a similar piece of metal of no historic importance, but the loss of the plaque will have an impact over and above

the financial loss. As well as causing distress to the local community who value the memorial, it will also be upsetting for the relatives of those remembered. Although the plaque might be replaced with a replica, this will never have the same historic value as the original.

It is the nature of this harm or loss that needs to be understood by those responsible for the enforcement of heritage crimes. This information is a factor in determining how serious the offence is and therefore how it should be dealt with. Where criminal proceedings are issued, it is essential to the courts in determining appropriate sentencing.

#### Assessing the nature of the heritage crime

Early on in the investigation of a heritage crime it is important to establish whether the building or site affected is a heritage asset. If the asset has a national designation, this can be found through a search of the National Heritage List for England ([www.english-heritage.org.uk/list](http://www.english-heritage.org.uk/list)). A search can also be made of the local authority Historic Environment Record, which should contain, in addition to all nationally designated assets, those of local interest. This search can be carried out by the investigating officer.

It is then important to understand quickly the impact that the crime has had on the asset and whether any specific heritage offences have been committed in addition to any general crimes such as theft or criminal damage. This assessment should be carried out by a heritage professional such as an archaeologist, buildings expert or other person with the necessary specialist knowledge of the asset concerned, such as a local authority heritage professional, English Heritage practitioner, local expert or member of a local archaeology or history society.

The heritage professional may also be able to provide advice on potential measures that might be undertaken to mitigate the harm or loss. These recommendations could form the basis of a restorative justice measure (see below).

The information gathered will inform the investigation and assist in determining how the heritage crime should be dealt with. Where one is required, it will also form the basis of a heritage crime impact statement, also known as a witness statement.

#### Taking enforcement action

A heritage crime impact statement (or the information obtained for its preparation) can be used in a number of ways.



The information can be used to inform how the heritage crime should be dealt with by the enforcement agency – for example, whether the offender should be prosecuted or dealt with by way of an alternative disposal outside the court process.

If the offender is to be prosecuted, a heritage crime impact statement can be used in court once a defendant has been found or pleaded guilty to the offence. The statement provides the court with essential information so that it has a full understanding of the nature and impact of the crime when determining the appropriate sentence.

A heritage crime impact statement can be very helpful in deciding if there are any restorative justice measures that the offender can be asked to agree to enter into voluntarily. These might include a reparative measure involving mitigation of the harm caused to the asset, for example removal of unauthorised works, removal of graffiti or paying for an emergency archaeological survey resulting from unauthorised damage. It might involve the offender agreeing to participate in some education

about the asset he has harmed, perhaps by taking part in an archaeological dig or listening to a war veteran talk about the importance of war memorials.

If an owner, manager or guardian of a heritage asset, or a community group affected by the heritage crime, wishes to make what is known as a victim personal impact statement, this should be encouraged. It will complement any heritage crime impact statement. ■

*If you would like more information on heritage crime impact statements or interventions please have a look at the guidance produced by English Heritage:*

**[www.english-heritage.org.uk/publications/heritage-crime-impact-statement](http://www.english-heritage.org.uk/publications/heritage-crime-impact-statement)**

*For information on victim personal impact statements, please go to the Crown Prosecution website:*

**[www.cps.gov.uk/legal/v\\_to\\_z/victim\\_personal\\_statements](http://www.cps.gov.uk/legal/v_to_z/victim_personal_statements)**



Holme Cultram Abbey, once a Cistercian monastery and now a Grade I-listed parish church was deliberately set on fire. Six teenagers were arrested, one of whom was charged with arson and the theft of £5 from the church. Sentencing him to four years detention, Judge John Phillips told him 'Not only have you destroyed a national treasure – you have also severely damaged an entire community'. © Ecclesiastical Insurance Group



# Communities Fighting Back

**Each kind of heritage crime needs its own solution – and those solutions are best initiated by the people most directly affected.**

In 2011 nearly 40% of listed places of worship were affected by heritage crime – an unsustainable level of damage both for the buildings and their long-suffering congregations. David Knight (pp 24–6) describes the steps being taken by the Church of England to beat the thieves, and we later learn (Davidson *et al* pp 36–8) about the parallel work of the War Memorials Trust in combating criminal damage to some of this country's most cherished public monuments.

Henry Owen John goes on to explore how English Heritage and its partners have been tackling the socially and economically damaging problem of low-level vandalism in the Toxteth district of Liverpool (pp 27–8) – a theme reflected in the partnership approach that is being successfully adopted to combat destructive anti-social behaviour in National Parks (Smith pp 34–6).

Developing strategies for dealing with heritage crime is just as much a challenge for private owners as it is for public and charitable institutions. As Sir Thomas Ingleby, founder of the Stately Homes Hotline, explains (pp 28–9), rapid sharing of information can be of crucial help in protecting isolated rural buildings from attack by thieves.

Archaeological sites on private land can be equally vulnerable (Millard pp 30–2). In recent years rural estate managers have benefited from sensitively developed partnerships with the police and local councils, but are now concerned about the increasing cost of heritage management that is falling on their shoulders alone.

The illicit use of metal detectors on archaeological sites is one of the biggest worries for heritage professional and landowners, but as Trevor Austin argues (pp 32–4) the solution lies in constructive dialogue with the responsible detectorist community rather than negative campaigning.

Our round-up of crime-prevention initiatives concludes with two recent stories of successful prosecutions for illegal damage to protected archaeological sites – a buried Roman town (Robinson and Woodhouse, pp 38–40) and a rare and important Neolithic enclosure (McMahon pp 40–1).

## **Sacrilege? Heritage crime and the Church of England**

Dr David Knight

*Senior Conservation Officer, Cathedral and Church Buildings Division, Archbishops' Council*

The Church of England has around 16,000 places of worship, of which 76% are listed. Of these 26% are listed Grade I and 26% Grade II\*. This gives the church many responsibilities and opportunities and, sadly, makes it a major target for heritage crime. During 2011, 37.5% of listed churches and other religious buildings were damaged by heritage crime – including more than 4,560 belonging to the Church of England. In that same year, no fewer than one in seven (14.3%) of all our listed churches suffered from metal theft, with some suffering multiple attacks.

The number of insurance claims for metal theft in 2011 was the highest on record at 2,600 and cost Ecclesiastical Insurance £4.5m. In the five years before 2011 £23.5m was claimed for metal theft from more than 7,500 claims. In 2012, the numbers of claims fell dramatically to 930, costing £1.8m. Why?

The large increase in metal theft was driven by the rising price of scrap metal and the fall has coincided with a reduction in price. Also important, however, was a strong response from the church and pressure at a national level to make metal theft a less attractive crime.

Metal theft has historically offered a criminal a high reward for a small risk. Maintaining easy access to a church is important if it is to serve its role as a centre for worship and community use. However, there are often long periods of time when there are few or no people on the site. When metal is removed it quickly becomes anonymous and, until 4 December 2012, could readily be turned into cash with no questions asked.

The situation at the start of 2013 is quite unlike that a couple of years ago. Easy cash from stolen lead is no longer legal and police operations such as Operation Tornado have made metal theft less attractive as a crime. The church's own response has had three main components: providing good advice over basic security, mounting a campaign of forensic marking and the installation of roof alarms (funded in large part by Ecclesiastical), and reporting the impact of metal theft on churches

to the Home Office and to parliamentarians.

Forensic marking using Smartwater® has been promoted by Ecclesiastical and the distinctive blue and yellow signage is in place at many church sites around England. Despite scepticism among individual congregations about the benefits of forensic marking, the confidence placed in it by the insurance industry indicates its usefulness.

Roof alarms have been vigorously promoted in the past year through the 'Hands off our Church Roofs' campaign funded by Ecclesiastical. This has seen alarms installed at churches that had been hotspots for lead theft. Installing the alarm always results in a reduction, usually to zero, of further thefts. However, alarms need to be designed specifically for the purpose of deterring metal theft, and this message needs to be clearly made.

The Church of England was an early joiner of ARCH, the Alliance to Reduce Crime against Heritage, and has worked with Mark Harrison at English Heritage. Some dioceses have arranged seminars for churchwardens and others on security. For example the Diocese of St Edmundsbury and Ipswich, in partnership with Suffolk Constabulary and Ecclesiastical Insurance, organised a number



Following the theft of lead from the roof of Tewkesbury Abbey in 2007, Ecclesiastical Insurance helped to fund the installation of a new wireless security system.

© Ecclesiastical Insurance Group

of church security seminars. These included a presentation by a Police Crime Reduction Officer, a talk on personal security as well as presentations by an alarm company on roof security.

Much of the practical advice given in the seminars is similar to that which can also be found on the ChurchCare website ([www.churchcare.co.uk](http://www.churchcare.co.uk)). It covered matters such as being aware of visitors acting in unusual ways, noting vehicles parked near the church at unexpected times, and closing vehicular access when it is not required. This advice was used successfully at a remote church in Suffolk, where regular visitors to the church photographed the number plate of a vehicle that they thought was suspicious. This resulted in the arrest of two thieves who had stolen decorated pipes from the front of the organ and the recovery of the pipes from a local scrap yard.

Good relationships with neighbours are particularly important to the security of churches, especially if they help those living near the church to feel confident to judge what is likely to be illegal activity. The Bishop of London noted a particularly vivid incident of good-neighbourly behaviour in his diocese where the ladders being used by metal thieves were removed from the church by a neighbour before they called the police. The thieves were still on the roof when the police arrived. Such direct intervention is not, however, part of the advice given. Raising awareness in the community also extends to local police, and churchwardens are encouraged to contact them to explain to them what is valuable and vulnerable in the church so that officers are aware of the church and its attractions for thieves.

All heritage crime involves the loss of irreplaceable material. This is most obvious when artworks, monuments, precious metals and archaeological items are stolen. There are presently around 70 such incidents a year – low as a proportion of heritage crime but often with a significant impact on heritage and the local community, generating a fear of crime that is out of proportion to the risk. For example, an 18th-century sculpture by Sir Henry Cheere was stolen from Shoreham, in Kent, in January 2011 and recovered from an auction house in March 2011.

Ensuring that safes are of a sufficient standard and properly used, and displaying lower-value objects such as wooden candlesticks outside worship will help to keep these figures down. For artworks and treasures, churches are encouraged to keep clear photographs to help re-identification in the case of theft. It is also essential that any thefts

that do occur are reported as quickly and accurately as possible.

The Church Buildings Council has assisted with advice and grant aid to provide secure display for some objects of great value, including a medieval reredos in Suffolk and an Anglo-Saxon chalice in

Northumbria. Maintaining monuments in good order and displaying historic stones securely also discourages theft. With the approach of the First World War anniversary in 2014 it is particularly sad when war memorials are stolen for scrap or antique value. ■

### Metal-marking solution wins Home Office approval

Two historic buildings in Northampton are trialling a new permanent metal-marking technology in a bid to combat metal theft.

The lead roofs on the town's Guildhall and St Peter's Church, in Marefair, have been engraved with markings that can be seen by the naked eye. If stolen, the markings would allow police to identify the origin of the metal when it is seized.

This new addition to the armoury of technical solutions to metal theft was developed by the Institute of Materials, Minerals and Mining, a member of ARCH (the Alliance for Reduction of Crime Against Heritage).

On 13 March Lord Taylor of Holbeach, Minister for Crime Prevention, visited Northampton to inspect the system, which has since received the endorsement of the Home Office. In coming months it is to be rolled out to other vulnerable buildings in the East Midlands, helped by specialist advice from English Heritage and local conservation officers.



Northampton's Grade II\* Guildhall.  
© Roger Ashley, English Heritage



The Grade I-listed St Peter's church is in the care of the Churches Conservation Trust and now used as a general community asset.

Source: Flickr Creative Commons  
© Jim Linwood



## Promoting economic and social growth by tackling heritage crime

Henry Owen John

*Planning Director (North West), English Heritage*

Research commissioned by English Heritage and published in March 2012 noted no significant variations in the levels of heritage crime in different parts of the country. It did show, however, that in areas of high deprivation more than 26% of heritage assets had been harmed by criminal activity. In places with low deprivation, by contrast, the figure was 13%. The research also highlighted the fact that anti-social behaviour deters enjoyment of heritage assets as well as investment in their future.

In places suffering from high deprivation it is often an historic building that acts as a landmark for a local community. Vandalised and in poor condition, it highlights wider social and economic problems; in good condition and active use it can act as a flagship for resolving these problems and a catalyst for investment.

Just to the south of Liverpool's city centre, Toxteth suffers from high levels of deprivation. It also boasts some remarkable heritage assets. The magnificent Princes Road Synagogue stands next door to the church of St Margaret of Antioch and across the road from the Greek Orthodox Church and the former Welsh Presbyterian Church. Near by is Princes Park, designed by Joseph Paxton, while a little further away is the Florence Institute

for Boys (the Florrie), which served a vital role in the community for almost one hundred years from its opening in 1890. On the edge of Toxteth nearest to the city centre stands another historic church, St James, while in the lee of the massive Anglican cathedral are St James's Gardens. This remarkable landscape, originally created by 17th-century stone quarrying, was used as a cemetery for more than a hundred years until its closure in 1936, since when it has remained open as a public park.

All these places have suffered the consequences of high levels of deprivation and a changing demographic. The synagogue was severely damaged in the riots of 1979, and more recently was attacked by metal thieves at the same time as St Margaret's. The Florrie was vandalised and suffered a major fire, while anti-social behaviour and vandalism caused problems in both St James's Gardens and Princes Park. St James's Church closed its doors to worshippers 30 years ago and was placed in the care of the Churches Conservation Trust. Heritage crime and anti-social behaviour were undoubtedly inhibiting the regeneration of Toxteth in the 1980s and 1990s and into the early years of this century, despite the strenuous efforts and investment of national and local government.

Community involvement in regeneration, including tackling heritage crime, is transforming this picture. The bad press that Toxteth received from many sections of the media overlooked the strength and determination of those who were not prepared to see their neighbourhood wrecked by vandalism and crime against their precious heritage assets. The story of the Florrie exemplifies this. Despite the devastation caused by years of dereliction, vandalism and the fire, local campaigners championed its restoration. With financial support from the Heritage Lottery Fund and others, the Florrie is thriving again with a gym, a café, a nursery, a heritage resource and archive centre, all serving the needs of the community.

The congregation of the synagogue repaired the extensive damage caused in 1979 within a year and continues to invest time, commitment and resources in the ongoing repair of the building, which is now listed Grade I. On the initiative of the Bishop of Liverpool (who also championed the cause of the Florrie), St James's Church was taken back from the Churches Conservation Trust and now forms the focal point of the new parish of St James in the city, with a growing congregation that includes overseas students. English Heritage has grant-aided roof repairs and an ambitious scheme of wider regeneration is being planned



St James's Church in Toxteth: a long-term victim of casual vandalism that now faces a brighter future. © English Heritage



Toxteth's 'Florrie' after its rescue from decades of dereliction and vandalism. © English Heritage

for the surrounding area, including the enhancement of the graveyard as a memorial to the victims of the transatlantic slave trade, with which the church has close associations.

There are active Friends groups for both St James's Gardens and Princes Park. The former has worked with the Council and others to address the problem of people sleeping rough in the catacombs and anti-social behaviour. The gardens now see a greater level of access by the public, who no longer feel so threatened when they visit, and proposals are being developed for the major structural repairs that are needed. Difficulties remain – the church of St Margaret of Antioch was attacked by lead thieves for a second time recently, and it remains challenging to find a way of repairing and introducing new uses to the former Welsh Presbyterian Church. But, even in such a difficult economic environment, there is much to be positive about.

It is not surprising that places that suffer high levels of deprivation also suffer high levels of heritage crime and anti-social behaviour. It is not a great leap to suggest that such activities can act as an obstacle to investment and growth, particularly from the private sector, as the levels of risk may be seen as too high. There have nevertheless been high levels of public-sector investment in areas such as Toxteth, where it is clear that the key to its success is proportionate to the level of community engagement, ownership and leadership.

The heritage assets of Toxteth have provided a powerful driver for initiatives that are combating the criminal and anti-social behaviour that once blighted them. This allows places such as the Florrie and St James to act as beacons and catalysts for wider economic and social regeneration. Combating heritage crime is an integral part of securing successful investment and growth. ■

## Crime trends at private historic properties

Sir Thomas Ingilby

*Ripley Castle and also a member of the Historic Houses Association*

Crimes at privately owned heritage properties tend to fall into one of four categories: the external theft of statuary, sculptures or building materials; the carefully planned burglary that nets a few high-value items; the opportunist thief who poses as a visitor; and the vandal who wantonly damages the fabric of the building in some way.

Much of the recent focus in the first category has been on the metal thieves who have scaled the roofs of churches and other historic buildings to strip the lead. Their search has been made easier: thanks to Google Earth they can now see precisely which roofs have lead and which don't, and plan the best access routes to reach their target. They can also identify who has potentially valuable metal sculptures in their garden, no matter how high its surrounding walls or hedges are, without going anywhere near the property.

Because the lead is frequently not visible from ground level, the damage is often made much worse when water cascades in through the roof, bringing down ceilings and damaging the contents. Lead thefts have diminished in the last 18 months, thanks to a raft of measures taken by owners, insurers and the government. Tighter controls have been placed on scrap and metal-recycling yards; those living in or close to vulnerable buildings are far more alert to the nuisance; and many have augmented their security with movement-detector lighting and 'the voice of God', a loud-speaker which, when triggered, tells the culprit that he has been detected and should remove himself from the scene promptly. Lead can also be painted black to make it look more like felt in satellite photographs.

A few years ago a small number of highly specialised thieves caused mayhem with a series of well-planned and cleverly executed burglaries. They posed as visitors in order to identify vulnerable collections of porcelain, silver, books and clocks – one even became a member of the National Trust in order to obtain more accurate information – and travelled the country so that their crimes were committed in several different constabularies. By so doing, they hoped that their attacks would not be connected, and for a while they weren't. Alarmed by a huge rise in high-value burglaries across the country, a number of organisations joined together to pool intelligence and resources, and some of





The gatehouse roof at Ripley Castle in North Yorkshire, following the theft of lead in 2011. The occupants were on holiday when the lead was taken and the subsequent water ingress caused considerable internal damage.

© Ripley Estate

the major players were identified, apprehended and committed to prison for lengthy terms.

Crimes in this category have fallen dramatically with the temporary removal from the scene of this particular gang, but others have inevitably stepped into their shoes. In several recent incidents the burglars have broken into houses during the evening, relying on the fact that the alarms will not be set in the dining room, library or drawing room while the family is enjoying their evening meal in the kitchen or sitting in the study: the noise of conversation, radio or television masks any noises they might make and the occupiers are blissfully unaware that they are not alone in the house. We have seen some substantial and valuable hauls taken in this manner in recent months: owners must zone their alarms so that those in unoccupied areas of the house can be activated as soon as their rooms are vacated.

The opportunist thief who takes items from display also plans ahead. He generally operates in company with others because distraction forms a large part of his plan of attack. While other members of his party divert the staff and observe staff movements, he (or she) removes the item from display and conceals it under their jacket or in a bag before leaving the premises. They usually know precisely what they have come for, and where that item is located.

The vandal who wantonly damages heritage property is probably the hardest to stop but good

security doesn't end at the perimeter. Neighbours and local tradesmen should be strongly encouraged to report any suspicious activity and be provided with a list of phone numbers so that they can report their concerns at any hour of the day or night.

What has become very clear is that in this age of readily available information, easy public access and high mobility, the owners and custodians of Britain's historic properties need to be a step ahead of the criminals, sharing information freely and openly so that threats can be identified sooner. By working together and sharing intelligence we can ensure that no theft or attempted theft goes unnoticed. More importantly, we can analyse the threat and advise all others susceptible to the same form of attack how to avoid becoming the next victim.

As founder of The Stately Home Hotline ([www.statelyhomehotline.co.uk](http://www.statelyhomehotline.co.uk)) I want to help and support historic houses whose relative isolation makes them vulnerable to specialist criminals and opportunist thieves. The Hotline is a free security advisory service that offers detailed guidance, support and checklists to the owners and managers of British historic properties, museums and gardens. It also distributes intelligence via e-mail bulletins to pre-registered recipients, enabling owners and custodians to identify risks to their properties and take preventative measures.

Our stately homes, gardens and castles are what set us apart from other countries as a tourist attraction. When items are taken from these places they are not only lost to the owner but lost to the nation. ■



A 300-year-old bronze sundial, stolen from Dalemain Mansion in Cumbria in September 2009. It was prised away from a stone column with some skill so as not to cause any damage. Made by Richard Whitehead in 1688, it was valued at between £50,000 and £60,000.

© Dalemain Estate



### The challenge for private owners

Paul Millard

*PR and Communications Manager, CLA*

Heritage crime is as diverse and widespread as heritage itself. If you see a gang of masked men prising the lead from the roof of a local manor house, it's odds on you will think 'Ello 'ello, there's a crime in progress here' – but there are crimes seen and unseen, and even actions considered by some to be criminal in outcome that actually contravene no law.

The less obvious – but still criminal – activities might include damage by 4x4 enthusiasts tearing up an ancient drove road or Roman settlement, or, maybe, a group of off-roaders taking advantage of the natural slope of your Neolithic long barrow.

Heritage crime is a major issue for CLA members, who manage or own more than a quarter of all listed buildings in England and Wales and more than half of all scheduled monuments.

What defines heritage crime, and whether it has greater or lesser degrees, is frequently a matter of perception. English Heritage has, of course, defined such crime in writing – but on its own this does not answer the practical questions of who polices it, who are the likely first responders and where

does responsibility end and expectation take over.

Recently a massive find of Roman coins on the Wiltshire–Somerset border near Frome led to an outbreak of nighthawking – metal detecting without permission, often on ancient and scheduled monuments that can range from Iron Age forts to Anglo–Saxon burial chambers.

Much of our natural and a significant proportion of our built heritage is found in remote locations, frequently on privately owned land. So while the more obvious crimes of theft and graffiti can be relatively easily policed in towns and villages, the same cannot be said of damage to ancient ruins, structures and routes that criss-cross our countryside. Responsibility for managing this type of crime frequently falls first with the private owner.

Former CLA President, David Fursdon, has a scheduled monument, Cadbury Castle, on his Devon estate. It is located on the top of a hill, well away from any adjoining properties. Illegal metal detectorists have dug pits in the ramparts on the far side of the castle, out of sight of the footpath. He says:

On several occasions the farmer on the far side of the valley has rung me and I can get there



Off-road drivers were causing serious damage to archaeological remains beside the Fosseway in north Wiltshire until the county council imposed a permanent closure order and installed stronger gates and fencing. © Mark Harrison



in a 4x4 quite quickly – but I am not always at home. The truth is, it is almost impossible to police or catch the culprits unless I decide to camouflage myself and lie in wait in the brambles waiting for weeks on end!

If you own anything from a scheduled ancient monument to a Grade I-listed building you are potentially a victim of heritage crime – but individual landowners often feel isolated in their attempts to tackle crime on their land. Whether support is forthcoming can be as much a postcode lottery as health provision. For many it is simply a case of being left to get on with it – manage the heritage and deal with crime.

In North Wiltshire, John Tremayne has been fortunate to win support from the local authority –

but the difficulty of policing and managing a sensitive site strike a familiar chord:

Ever since I took over the running of our land in 1996, off-roaders have been rampaging along the section of the Fosseway which runs just inside our boundary. The focus film in our case is the damage caused at the point where the Fosseway crosses the river Avon. This is the site of a Roman encampment and a protected monument.

Instead of using the bridge, which is wide and strong enough to carry the weight of a tractor, the off-roaders found greater joy in fording the river, damaging the river banks and breaking down fences and gates in order to gain access to the adjoining land.

Fences were rebuilt and stone barricades erected by the Council, only to be torn down again. Because of the remoteness of the site it was, says Mr Tremayne, very difficult to police and to catch the offenders:

Eventually a permanent closure order for vehicles – other than motor cycles – was obtained and Wiltshire Council took the lead in installing much stronger gates and fencing to prevent the off-roaders gaining access to the Fosseway and the scheduled monument. All this terrible devastation was caused to our heritage site by mindless individuals who clearly could not care a fig as long as they were enjoying themselves.

There has also, eventually, been a positive outcome for Guy Neville at West Malling, in Kent, where co-operation between police, leisure-user groups and the Kent Downs AONB have helped the estate reduce damage caused by trial bikes, mountain bikes and mud boarders to early medieval and post-medieval earth banks defining both the parish boundary and the park pale. As he says:

For us it has been about taking advantage of funding when it is available. Getting the local police involved wherever possible, allowing more people to walk in the woods which provides some degree of presence – but no one thing will do it – it is a constant battle – so we use whatever resources we can.

The remote nature of so much of the heritage is a key component, and makes it easier for the criminals to prosper. John Giffard, another CLA



Damage caused by off-road bikes to the ramparts of a privately owned Iron Age hillfort in Wiltshire. © Mark Harrison

member, believes the criminals use modern communications technology such as Google Earth to identify their targets. He has had a 'virtually inaccessible' temple set deep in woodland attacked and stripped of lead. Other properties have had both lead and copper stolen.

But there is another side to this story, a kind of low-level heritage crime which arises when owners become frustrated and tire of seeking permission for alterations to listed properties. Instead they just get on and change things themselves without prior approval!

CLA county chairman for Wiltshire, Anthony Fortescue, explains that owners need heritage to be economically viable to ensure its future. Sadly the growing gap in heritage skills within local authorities ensures the reverse is too often true, with conservation officers frequently failing to appreciate the aggravations and huge costs of heritage management.

Of course that is not an outcome anybody desires. Modern heritage policy focuses on the principle of 'Constructive Conservation', and what landowners really want English Heritage and government to ensure is that such policies are followed through at a local level. The alternative is that owners will slowly, but inexorably, give up on the fight for heritage and against heritage crime. ■

### Illicit metal-detecting – perceptions and reality

Trevor Austin

*General Secretary, National Council for Metal Detecting*

The National Council for Metal Detecting (NCMD) has been a willing advocate for the Alliance to Reduce Crime against Heritage (ARCH). It actively condemns the practice of illegal metal-detecting and recognises the need to address the issue. However, the NCMD's view on current prevention and enforcement methods may at times differ from that of the establishment.

The NCMD signed up to the ARCH partnership in 2011, seeing it as a forward-thinking grouping on heritage crime in which we could contribute to the debate on the basis of our knowledge of metal-detecting and portable antiquity matters.

The definition of illicit metal-detecting depends on how the crime is perceived in the eyes of the different involved parties. Many observers derive their viewpoint from a selective presentation of the facts, often by self-appointed 'authorities'. They accept without question the evidence presented

in order to make their own preconceptions more comfortable. In this manner, the perception and scale of the crime becomes dominated by hearsay and anecdotes.

Dealing with any criminal activity requires factual evidence, quantified research and focused intelligence-gathering. Its parameters and extent need to be assessed before a policy for enforcement and prevention can be structured. Belatedly, we have moved on from the slapped-wrist approach to retribution, favoured by magistrates when faced with a clever presentation from a solicitor pointing out that, 'he didn't know he was doing wrong', or that his crime was victimless, stealing something that the owner did not know he had in the first place. The point missed was that it was simple theft from a third party.

The ARCH initiative has moved thinking forward to a new multi-agency approach to illicit metal-detecting: one that is dynamic and seeks to build on the successes and shortcomings of previous prosecutions and enforcement actions. We now have an agreed way forward, though recent high-profile prosecutions (for example, Irchester, see Robinson and Woodhouse, pp 38–40) have relied to some extent on good luck to actually catch miscreants in the act.

Positive action is the key rather than the counterproductive approach whereby heritage professionals sought to portray all metal detector users as somehow illicit because of the activities of a few criminals using a metal detector as a tool of their trade. With the help of Mark Harrison,



Damage caused by illicit metal-detecting on a commercial excavation. Note the attempt to refill the excavation. © SRC



National Policing and Crime Adviser for English Heritage, this image has been unequivocally redefined to make it clear that illicit detector users and responsible hobbyists are not the same.

The NCMD believes in developing mutually agreed definitions of illicit metal-detecting that avoid the use of emotive terms and misleading terminology when briefing the media and issuing press releases. There have nevertheless been some unfortunate examples in recent months.

In a press report relating to the Irchester prosecution, Mark Holmes, Senior Crown Prosecutor and heritage crime co-ordinator for CPS East Midlands was quoted as saying:

This practice of illegal metal-detecting and stealing artefacts from the ground has been a growing problem, which the Crown Prosecution Service takes seriously. Often carried out by so-called ‘enthusiasts’, this kind of activity has retained a veneer of respectability which it just does not deserve. Land is being damaged; the theft of ancient artefacts robs us of important information about our heritage; and the artefacts themselves are lost to the public.

This statement produced a raft of complaints from responsible detector users, who objected to its confusing and misleading language.

Later we read the reported comments of Simon Thurley, Chief Executive of English Heritage, in the *Daily Telegraph* on the 26 December that: ‘there was evidence that many of those who

targeted historic monuments, including metal-detector users who dug up archaeologically rich sites looking for valuable artefacts were “habitual offenders”’. Yet, in a later article in the same publication on 4 January 2013 Mike Harlow, Governance and Legal Director for English Heritage, commenting on the Irchester case, contradicted this by stating that: ‘These are not people enjoying a hobby or professionals carrying out a careful study. They are thieves using metal detectors like a burglar uses a jemmy.’

Differing professional perceptions of this kind present confused messages to the media, public, other heritage professionals, enforcement bodies and government. They also dilute the efforts of those charged with enforcement and prevention of heritage crime to get across the correct message. What is needed is a proper definition of what actually constitutes illicit metal-detecting and recognition that it in reality forms a very small part of the overall burden of heritage crime. As a representative body, the NCMD would support such an approach whereby distance is put between the illicit operators and the responsible hobbyists we represent.

In the past, pejorative terms such as ‘nighthawks’ or ‘treasure hunters’ have been used to motivate the media, enforcement and legislative authorities into action – but these have all too often been used by the media or those briefing them to describe all detectorists. Add a good measure of selective presentation and the crime of illicit metal-detecting appears to be a national disgrace. However, proper analysis of the facts, such as the Oxford Archaeology report into *Nighthawks and Nighthawking* (2009), indicates that the scale of the crime has been very much inflated, though that message still has to be conveyed to the media.

For example, on 29 June 2012 the report’s findings were being used once again as a basis of misleading media comment by the *Yorkshire Post*. It stated that ‘Research by English Heritage revealed that there were 240 sites which were reportedly targeted by nighthawks between 1995 and 2008’ and omitted the fact that this figure accounted for fewer than 1% of all the sites examined by the authors of the nighthawking report. An accompanying banner headline went on to claim that ‘200 sites targeted “tip of the iceberg”’, itself a totally unsubstantiated claim attributed to an un-named English Heritage spokeswoman. The widely acknowledged failure of the report to actually find the evidence suggests that much effort was wasted on chasing nighthawking myths and legends.



Illicit metal-detecting on grassland? In reality, one of many holes dug in the area by badgers looking for food. © SRC

The NCMD believes the current mix of enforcement and prevention strategies can provide the way forward. Existing legislation is sufficiently robust to achieve prosecutions, while better presentation of the case against illicit metal-detecting can considerably reduce its incidence. We need to ensure that opportunities for illicit metal-detecting are reduced by the promotion of the benefits of responsible metal-detecting.

The promotion of negative access policies to private and institutional landowners, introduced as a part of the STOP campaigns of the 1970s and early 1980s, is now considered by the responsible hobbyists to have been the primary stimulus for the upsurge in illicit metal-detecting and night-hawking in the 1980s and 1990s. We need to avoid repeating such mistakes. ■

### National Parks – tackling heritage crime in designated landscapes

Ken Smith

*Cultural Heritage Manager, Peak District National Park Authority*

National Parks are this country's premier landscape designation. Including the recently created South Downs National Park, they cover 9.3% of England's landscape. Britain's first National Park, in the Peak District, was established in 1951. Like its 12 English and Welsh counterparts, it has a statutory duty to conserve and enhance the natural beauty, wildlife and cultural heritage of its area as well as fostering the economic and social well-being of its local communities.

However, designation and legislative enablement does not make National Parks immune to heritage crime. Despite their relatively remote upland character and low population densities, many of them are close to heavily populated urban areas. This means they are, if anything, more susceptible to heritage crime than other rural areas.

Theft of, and damage to, heritage assets in National Parks is nothing new, nor is action to deal with it. In April 2007, several years before the formation of the Alliance to Reduce Crime Against Heritage (ARCH), the Peak District National Park Authority (PDNPA) launched Operation Blackbrook in partnership with Derbyshire Constabulary. Targeting the illegal use of rights of way by 4x4s and trail bikes, the project worked with local green-lane user groups to raise awareness about responsible use. As well as encouraging people not to use mechanised vehicles on routes where no such rights existed, it monitored



The Pindale Side Vein lead mine is a powerful memorial to the back-breaking industry that once characterised the Peak District. However, trail bikes were carving up the surrounding land and the mine workings had been turned into rubbish tip. A partnership led by the Derbyshire Dales National Park has now cleared the scrins and taken preventative measures such as roadside bunding and judicious positioning of large boulders to deter further damage.

© Boris Baggs

the illegal use of such routes and ultimately secured prosecution of offenders.

The PDNPA continues to seek to prevent heritage crime. For example, the scheduled Pindale Scrins, near Castleton, have been the focus of such activity in the past. This area of post-medieval mining remains, with its worked-out veins and waste heaps, was suffering from inappropriate (and illegal) use by trail bikes, causing erosion and damage to these important heritage assets. At the same time, the open veins were becoming filled with debris, in particular a van that had been pushed into one particularly wide open-cut.

A partnership of Authority staff – rangers, farm advisers and archaeologists – and colleagues from English Heritage and High Peak Borough Council, as well as the landowner, mineral rights owner and the adjacent Hope Valley Cement Works, implemented a suite of works to repair the damage and prevent further impacts occurring. This included clearing out the open-cuts, removing the



derelict van and creating roadside bunds, and taking other measures to minimise the opportunities for further damaging access.

Other heritage crime initiatives have included the annual engagement by NPA rangers and other staff, in partnership with the landowner, Derbyshire Constabulary and English Heritage, with those who celebrate midsummer solstice at the Nine Ladies stone circle. Again, a combination of communication, information and sheer presence has helped minimise the impact of what is, in effect, an illegal gathering.

In 2012, the Peak District National Park Authority became the first NPA to sign up to the Alliance to Reduce Crime against Heritage (ARCH) and the associated Memorandum of Understanding. Engagement with ARCH has raised the profile of heritage crime within the Authority and, coupled with the initiatives that Mark Harrison has led in the East and West Midlands, has added an extra

dimension to the already good working relationship that we have with our constituent authority police forces, particularly in Derbyshire.

Heritage crime in National Parks takes a variety of forms. Metal theft, principally from churches, continues to be the number one crime in the Peak District, where many churches have been targeted. The thieves who stripped lead from Chelmorton church were sentenced, after pleading guilty, to 6 and 9 months' prison terms. The sentence was helped in no small measure by the heritage crime impact statement (HCIS) that Authority staff prepared in response to the theft. This detailed the impact of the crime on the building – not just the stripping of the lead itself, but how the resulting water ingress had damaged internal plasterwork; how the community had been robbed of the use of their building; and how the crime had increased its sense of insecurity. Courts now consider these wider social and economic impacts alongside the



The damaging impact of off-road vehicles on an area of lead-mine remains in the Peak District National Park considered to be of national importance.

© Peak District National Park Authority



Graffiti defacing the Neolithic Bedd Arthur monument in the Pembroke Coast National Park.

© Pembrokeshire Coast National Park Authority



direct physical damage caused to the heritage asset.

Having signed up to ARCH, the PDNPA is considering what further steps it needs to take to formalise its engagement with communities, partners and stakeholders in seeking to combat heritage crime in the Peak District.

Meanwhile, colleagues in other National Park authorities are considering their own approaches to ARCH and to heritage crime. Metal theft has been an issue across all areas. In the New Forest National Park it has had a particularly marked impact on churches, while in the Lake District National Park in December 2012 one man was jailed and another received a suspended sentence for burglary with intent to steal at the scheduled Backbarrow Iron-works.

And heritage crime is not confined to National Parks in England. Across the border in Wales colleagues have recorded impacts such as the graffiti that defaced the Neolithic Bedd Arthur monument in Pembrokeshire Coast National Park. In the same National Park, the Bronze Age Bedd Morris standing stone was deliberately knocked over. The perpetrators of both these crimes have not been apprehended. Colleagues in Brecon Beacons National Park have experienced heritage crimes similar to those occurring elsewhere, including illicit metal detecting on scheduled monuments and damage to listed buildings.

The establishment of ARCH is raising the profile of these damaging criminal activities, which occur within even our most special places. It is also helping the development of stronger partnerships to prevent such crimes. Where they do occur, the response is now better informed and more effective. And when criminals are apprehended, it means more appropriate sentences are handed down, which in turn raises the deterrence factor for those who might otherwise have been tempted to engage. ■

### War memorials and metal theft

Amy Davidson, Andrea Levin and Emma Nelson  
*Conservation Officers, War Memorials Trust*

War memorials are an integral part of the historic built environment and can be found in almost every city, town and village. They are an important part of our architectural heritage, many having been designed by celebrated architects and sculptors such as Lutyens, Toft, Gill and Gilbert Scott (Giles).

All memorials, whether of notable design or not, are important reminders of the military, social and local history of the country. As well as highlighting the loss experienced by the community they may be the only local record of an individual's death. Nationally they represent an unprecedented level of mourning and commemoration, more poignant considering they were not directed or funded by government.

The cross in the churchyard or cenotaph in the town centre are common sights, but war memorials can take many forms and this variety adds to their interest. They range from plaques and clocks to organs, chapels and memorial halls. Some are dedicated to the fallen; others are to more distinct groups such as sporting clubs, choirs and employees. This scope and variety should be cherished and protected.

War Memorials Trust ([www.war memorials.org](http://www.war memorials.org)) is a conservation charity that works to protect and conserve all war memorials across the UK, advising on best practice for conservation and repair as well as administering grants. Because war memorials serve commemorative and functional roles as well as having artistic and architectural value, the Trust often faces conflicting challenges when works to them are being proposed. In unexpected situations, such as theft, it is particularly important that guidance is given to custodians so that the memorial is appropriately repaired.

The Trust helps those affected by theft in a number of ways, including advice about appropriate replacements, finding contractors, prevention methods and grants for repair following theft or vandalism.

The Trust also takes a proactive approach to reducing metal theft from war memorials. In 2009 it published guidance on *War Memorial Theft: Prevention and Solutions* in conjunction with English Heritage and its current 'In Memoriam 2014' project ([www.inmemoriam2014.org](http://www.inmemoriam2014.org)) is a partnership with the SmartWater Foundation that provides free SmartWater tagging to memorial custodians.

### The current situation

War memorials commonly have metal elements such as inscription plaques, statuary and lead lettering, all of which are easy to steal. Theft from them is not a new issue but there has been a marked increase in the number of thefts or attempted thefts reported to the Trust, most of them involving metal. In 2010 the Trust was aware of 14 cases; this dramatically increased to 40 cases in 2011. More shocking still, 10 of these 40 incidents took place

in October during the lead-up to Remembrance Day.

Encouragingly, 2012 saw the number of cases fall to 17. This reduction of nearly 60% in just one year is in line with the reduction in metal theft reported by other heritage groups. It is hoped that this reduction will continue, but as long as theft and vandalism takes place, the Trust will seek to provide support to those affected.

**Repair and replacement options**

Theft from war memorials is distressing at any time of the year, but when it occurs close to Remembrance Day it puts pressure on custodians to replace the stolen item as soon as possible, as otherwise a service may have to go ahead with some or all of the names missing. This poses problems, as it may not be possible to achieve a replacement quickly enough due to the time required to research the original inscription, obtain consents, produce replacement elements and find the necessary funds. Attempting to have the memorial restored by Remembrance Day can lead to unsatisfactory long-term results, which is why it is sometimes better to install temporary replacements for the services.

In cases of theft the Trust’s initial recommenda-

tion is like-for-like replacement. Some people are concerned that this will lead to further thefts, but this need not be the case if it includes preventative measures such as anti-theft fixings, forensic marking and improved security of the memorial’s surroundings.

Any alterations to the original design should be carefully considered as they will need to be sympathetic and durable. In cases of persistent theft the Trust will consider replacement with alternative traditional materials. For example, this could involve replacing a metal plaque with inscriptions carved into the stone. The Trust does not support replacement with resin or synthetic products designed to replicate metal, both for aesthetic reasons and the lack of certainty over long-term durability. Furthermore, these options are often not significantly cheaper than like-for-like replacement – and there have even been cases of attempted theft where the imitation is mistaken for metal.

**Changing trends in theft: a case study**

The war memorial on Honeywood Walk in Carshalton, London Borough of Sutton, provides a good illustration of the changing trends in theft and their impact on the community.

The Portland stone cenotaph was originally



The war memorial at Carshalton had its brass plaques stolen in 2011. These have now been replaced with a less-easily stolen stone panel that more closely reflects the original design of the monument.

© War Memorials Trust [after restoration]

constructed to commemorate the fallen from the First World War, with dedications to those who gave their lives in the Second World War and more recent conflicts added subsequently. The memorial was listed Grade II in 2010.

It has been targeted by thieves on two occasions. The first incident in 2007 saw the York paving around the memorial stolen, removing one of the key features of its setting. To ensure access for the Remembrance Day service the stolen flags were quickly replaced by the local authority with the help of a local stone masonry firm, which provided the labour and transport free of charge. The thief was arrested after being caught returning to steal the replacement paving and was sentenced to a four-month custodial sentence. Following the replacement, the flags were marked with Smart-Water.

In 2011 the memorial was once again targeted by thieves; this time the metal inscription plaques were stolen. Fortunately, a local historian had researched the names on the memorial and produced a website of their stories ([www.carshaltonwarmemorial.webs.com](http://www.carshaltonwarmemorial.webs.com)). Without this, the 243 names might have been lost forever.

Interestingly, the theft of the plaques revealed that the names of the fallen had originally been on Portland stone panels. It was therefore decided to replace the names on Portland stone, not only to remove the risk of future thefts but also to reinstate the original design. A local scrap-metal merchant, so upset with the trend of metal theft, paid for the replacement stone panels. ■

*If you have any queries regarding a war memorial, please contact the Conservation Team at [conservation@warmemorials.org](mailto:conservation@warmemorials.org) or 020 7233 7356.*

### Irchester: a tale of two convictions

Ben Robinson

*Principal Adviser, Heritage at Risk, English Heritage* and Helen Woodhouse

*Assistant Inspector of Ancient Monuments, English Heritage*

The tell-tale pockmarks left by illegal metal-detecting are an all-too-familiar and distressing sight to many landowners and archaeologists. Difficulties in gathering unambiguous evidence, the guile of offenders and inexperience in dealing with this particular crime have all conspired to make the theft of artefacts from private and legally protected archaeological sites a poorly enforced area of our national heritage legislation. But one

recent case has demonstrated that persistence and collaborative work can produce effective results.

The site of Irchester Roman town lies in the Nene Valley in Northamptonshire. The scheduled monument, designated in 1951, includes not only the core of the Roman town, its suburbs and outlying cemeteries, but also the remains of a deserted medieval settlement. Surrounded by the scheduled monument lies a historic farm complex, including a Grade II\* 17th-century farmhouse. Excavations at the Roman town in the 19th century confirmed the presence of building remains, including those of a temple or shrine. Latterly, aerial photographs and geophysical survey have revealed the street plan, lined with individual properties and public buildings. The history of the Roman town has been further illuminated by carefully targeted modern archaeological excavations, but it remains a largely unexplored place; an intriguing part of our national heritage whose full story has yet to be told.

In an enlightened move Northamptonshire County Council bought the site in 2004 to save it from dereliction. Although the ploughing of the Roman town has long ceased and it was seemingly secure beneath pasture, the site and adjoining farm buildings suffered from trespass, damage, theft and unauthorised grazing. Disaster struck in 2010 when the historic farmhouse was gutted by fire. It was during the subsequent restoration works in 2011



In 2011 treasure hunters were caught digging illegal trenches inside the designated area of the Roman town at Irchester in Northamptonshire. © Northamptonshire County Council



that ever-more brazen looting of the Roman town came to light.

The increasing number of distinctive holes left by illegal metal-detecting had been noticed by County Council staff. Security guards protecting the nearby farmhouse had witnessed and confronted metal detectorists, but this had failed to deter them. When frustrated County Council managers contacted local English Heritage Inspectors, our first advice was to document each incident of illegal activity and report it to the police. Formally logging each occurrence, with accompanying reference numbers, ensures that patterns of persistent offending are recorded and can be substantiated beyond anecdotal evidence.

Northamptonshire County Council was in the process of forming ambitious plans to develop a heritage park with archive and education facilities centred on the Roman town. But these plans were jeopardised by the continued looting. When a large trench appeared overnight in the core of the town, it was clear that somebody was very determined to steal from this site.

One July evening, we decided to assess this new reported episode of damage for ourselves. We were surprised to see two figures in the Roman town as we approached and, on drawing closer, were alarmed to find that they were using metal detectors. Photographs taken on the move were later used to support our statements that they were detecting in the heart of the scheduled monument.

Mark Harrison, English Heritage's National Policing and Crime Adviser, had previously advised us not to feel embarrassed to call 999 when confronted with heritage crime. Mindful of personal experiences of the varied outcomes of confronting illegal detectorists, and of the verbal assault reported by security guards during their recent encounter, we called the police. A protracted game of cat and mouse took place in the surrounding area until the police with a dog team arrived and arrested the suspects.

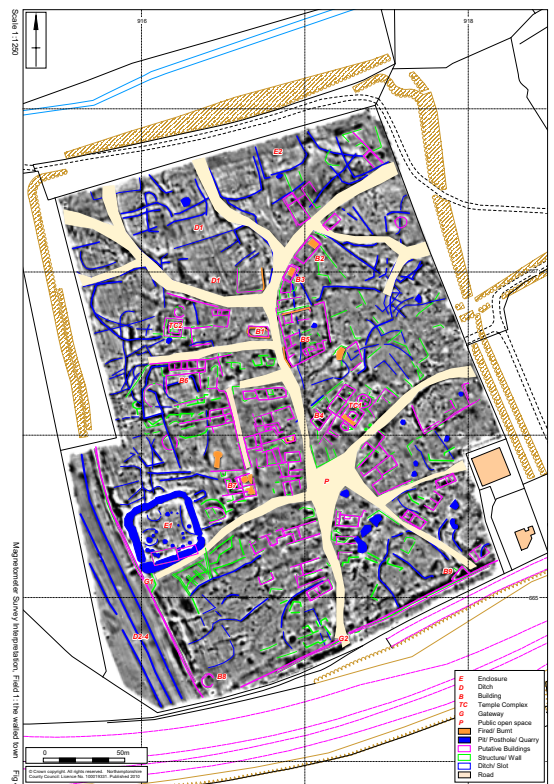
Illegal metal detectorists often take precautions to ensure looted artefacts and equipment are not found in their possession. A quick search of the area revealed hidden metal-detecting equipment. Another search in daylight the following day uncovered more hidden evidence of their persistent intent to target the site.

Understandably, most police stations do not have a template for dealing with this type of crime. To assist the police it is necessary to be knowledgeable about the relevant legislation and context for the crime. It helps to be able to quote incident

and crime numbers and the relevant Home Office crime codes. It is valuable to be able to offer immediate expert assistance for police searches, identifying equipment, documents and archaeological artefacts which will not be familiar to most police search teams.

The arrests and initial recovery of evidence were only the beginning of a long path towards convictions. Bringing about a prosecution at Northampton Crown Court required a concerted effort by many individuals representing English Heritage, Northamptonshire County Council, Northamptonshire Police, the Crown Prosecution Service, The British Museum and others.

It is notable that Northamptonshire County Council was the first shire county to join the Alliance to Reduce Crime against Heritage (ARCH). They are also signatories to a Memorandum of Understanding, which defines the roles and responsibilities of the parties involved. This document has provided us with a framework through which to make joint, informed decisions about the organisation of a partnership surrounding



This magnetometer survey of the Roman town at Irchester shows the wealth of buried archaeological features that remain vulnerable to illegal metal detecting.

© Northamptonshire County Council

## HERITAGE CRIME

complex cases, putting the specialist resources of each partner to work to best effect. The result is that our ability to tackle cases such as this meaningfully, both under heritage legislation and standard criminal law, has been bolstered immeasurably.

It is important to remember that a trial is an adversarial process. No evidence, however seemingly robust and apparently inarguable, can be taken for granted. Alternative expert opinion that attempts to demolish evidence and diminish the importance of the archaeological remains can always be found somewhere. This again is why a multi-disciplined partnership approach is vital, enabling a case to be viewed from different perspectives and highlighting issues that might not be apparent to heritage professionals or vice versa to the criminal justice system.

Convictions have been secured with penalties that include suspended prison sentences, unpaid work, costs and compensation, confiscation of metal detecting equipment, and Anti-Social Behaviour Orders. While the final outcomes are still to be fully concluded in court, there is no doubt that this is an important case and one that we hope will mark a significant step in the fight against this damaging, pervasive, yet notoriously elusive heritage crime. ■

### Criminal damage at the Priddy Circles

Phil McMahon

*Inspector of Ancient Monuments, English Heritage  
(South West)*

The Priddy Circles are a series of four prehistoric circular earthworks located in the Mendip Hills Area of Outstanding Natural Beauty in Somerset. Each one has an internal bank and an outer ditch and is about 200m in diameter.

The Mendip plateau has the highest concentration of scheduled monuments in Somerset and is comparable to other well-preserved prehistoric landscapes such as the Wiltshire Downs, Cranborne Chase and South Dorset Ridgeway. The Priddy Circles are the prime prehistoric monuments within this landscape and have been compared to Neolithic henge monuments such as those found in Wessex and Yorkshire – massive ceremonial monuments at the heart of contemporary ritual landscapes. However, recent research suggests that the Priddy Circles may have an earlier origin than many henges and may be broadly contemporary with the first phase of Stonehenge.

In the spring of 2011, extensive groundworks



Priddy Circle 1 before (left) and after (right) it was damaged by illegal earth-moving. Damian Grady © English Heritage

were undertaken on the most southerly of the four circles, known as Priddy Circle 1, without the scheduled monument consent required under the Ancient Monuments and Archaeological Areas Act 1979.

Subsequent recording exercises have demonstrated that substantial portions of the extant circular bank were either totally or partially destroyed, and other hollowed features infilled. The subsequent rolling and seeding of the site has almost completely erased the physical presence and legibility of the part of the monument within this field. The survey has also showed that the earth-moving had destroyed archaeological evidence beneath the current ground surface, completely in places and partially in others. The result is the major loss of archaeological data on a rare and early monument type with few parallels.

Other unauthorised works were also carried out during this period, including the installation of a gate and fence, the tipping of material onto the monument and the installation of a new trackway across the monument, all of which had a collective negative impact on its character, setting and legibility.

During 2011 and into 2012, a criminal investigation was mounted by English Heritage in conjunction with Avon & Somerset Police in respect of suspected offences under the 1979 Act. This culminated in the owner of the monument, Mr Penny, being summonsed to appear at South Somerset Magistrates Court for carrying out works to a scheduled monument without consent. At the hearing in April 2012 Mr Penny pleaded guilty but the court, acknowledging the seriousness of





the offence, referred the case to Taunton Crown Court for sentencing.

On 26 October 2012 the defendant received a £2,500 fine and £7,500 prosecution costs. In addition to bearing his own legal costs, he entered into an agreement with English Heritage to under-

take reinstatement works totalling £38,000. The judge made it clear that had it not been for Mr Penny's agreement to pay these substantial reinstatement costs, the fine would have been significantly higher. The judge also took into account Mr Penny's early guilty plea, his good character and full cooperation throughout the case.

The successful conclusion to this case highlights the importance of collaboration between different agencies and public bodies. The criminal investigative skills of the police ensured that the investigation was conducted in line with the Police and Criminal Evidence Act Codes of Practice. This meant that potential flaws or oversights in interview and evidence gathering were avoided. Officers of English Heritage and Avon & Somerset Police worked closely together throughout the investigative phase, allowing them to deepen their understanding of their respective roles and the dividends that effective partnership working can pay in dealing with heritage crime cases. Equally important in pulling the strands of the investigation together was the prompt and timely cooperation of Mendip District and Somerset County Councils, and additional help provided by Somerset Wildlife Trust, Natural England and the Land Registry. ■

**One of the best ways of protecting valued historic structures from vandalism is to keep them in good condition.**

In January 2011 the K6 telephone box in Bear Street, Nayland, was unexpectedly removed by BT. This led to consternation in the village and after negotiations it was agreed that the Nayland with Wissington Conservation Society should 'adopt' a decommissioned box from a nearby site.

With the help of a grant from Babergh Council, the replacement box was lovingly restored to its rightful place in the street scene, where it is now used as a book and magazine exchange – its contents including back numbers of *Conservation Bulletin*, to which the society is a long-standing subscriber!



Members of Nayland with Wissington Conservation Society with their newly restored K6 telephone box, from left to right: John Padget (responsible for the refurbishment), Andora Carver (Hon Secretary), John Parsonson (who tracked down the replica 'TELEPHONE' panels) and John Alexander (Chairman).



# News from English Heritage

## Disability in time and place

English Heritage has launched a new online resource that shows how changing attitudes to disability can be mapped through historic buildings. Visitors to the website ([www.english-heritage.org.uk/disabilityhistory](http://www.english-heritage.org.uk/disabilityhistory)) are able to explore this fascinating relationship through new interpretations of building information available on the National Heritage List for England, alongside photography from the English Heritage Archive and testimony from disabled people. Extensive research has identified hundreds of buildings with special significance to disability history – from churches with medieval ‘lepers’ squints’ to meeting places for the first disabled self-help groups. For the first time, the content has been fully transcribed into British Sign Language, and is available in video format on the website and YouTube.

To complement this web resource, English Heritage has updated its popular guidance on accessibility to historic buildings and to historic landscapes. The new editions contain up-to-date case studies of best practice in line with the spirit of the Equality Act 2010. You can download copies from: [www.english-heritage.org.uk/publications/easy-access-to-historic-buildings](http://www.english-heritage.org.uk/publications/easy-access-to-historic-buildings) and [www.english-heritage.org.uk/publications/easy-access-to-historic-landscapes](http://www.english-heritage.org.uk/publications/easy-access-to-historic-landscapes)

Contact:

[rosie.sherrington@english-heritage.org.uk](mailto:rosie.sherrington@english-heritage.org.uk)

## Neighbourhood planning

In the context of the Localism Act (2011) English Heritage wants to encourage community groups to consider the role of the historic environment in neighbourhood planning. A Neighbourhood Plan can provide important opportunities to ensure new development takes account of the historic character of the local area and help to conserve and reuse existing heritage assets.

English Heritage has recently updated its web pages ([www.english-heritage.org.uk/caring/get-involved](http://www.english-heritage.org.uk/caring/get-involved)) to explain the benefits of including the historic environment in a Neighbourhood Plan and how information on its character and condition can be obtained. Various survey methods, including ‘placecheck’, are described, alongside a 10-point checklist to ensure the historic environment is properly considered throughout the plan-making process.

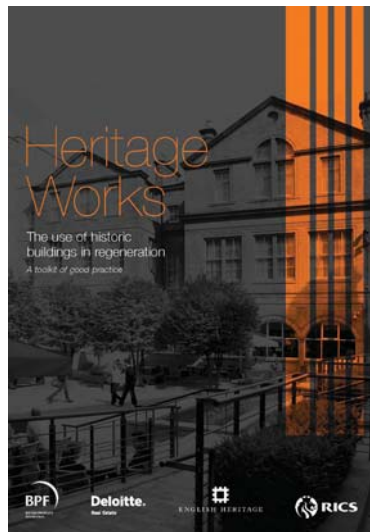
Contact: [shane.gould@english-heritage.org.uk](mailto:shane.gould@english-heritage.org.uk)

## Heritage Works

English Heritage has collaborated with the British Property Federation, the Royal Institution of Chartered Surveyors and Deloitte Real Estate to update *Heritage Works*, originally published in 2006.

The publication brings together expertise from the heritage, property and planning sectors and is aimed at developers, owners and local authorities. It contains a wealth of information and advice on integrating heritage assets in regeneration projects, including practical step-by-step advice on the development of proposals, funding packages, design issues and delivery principles. It shows how to plan for projects and how to identify and overcome common pitfalls. It includes links to more than 30 other information sources, and is designed to be a one-stop ‘handbook’ on how to successfully integrate the historic environment in new development. Free copies of *Heritage Works* are available to download from [www.english-heritage.org.uk/publications/heritage-works](http://www.english-heritage.org.uk/publications/heritage-works).

Contact: [tim.brennan@english-heritage.org.uk](mailto:tim.brennan@english-heritage.org.uk)



## Major changes to the way we protect heritage are on the way

The Enterprise and Regulatory Reform Bill may receive Royal Assent by the end of March or early April. It contains a number of changes that will provide new ways to protect and manage heritage assets, aimed at making protection more efficient without reducing its effectiveness. For more information about the changes see Legal Developments, p 46.

Contact: [sarah.buckingham@english-heritage.org.uk](mailto:sarah.buckingham@english-heritage.org.uk)

## The Rural Development Programme

English Heritage has been working closely with Natural England, ALGAO and Defra to review the success of Environmental Stewardship in conserving the rural heritage. As well as helping to reduce the number of designated sites on the Heritage at Risk Register it has demonstrated how the historic environment can be used as a driver for tourism and investment in rural communities.

Reform of the Common Agricultural Policy and the structure of the next Rural Development Programme is now under way and all parties are committed to ensuring that the lessons from past schemes are used to improve the delivery of future programmes through the New Environmental Land Management Scheme (NELMS).

Contact:

[amanda.chadburn@english-heritage.org.uk](mailto:amanda.chadburn@english-heritage.org.uk)

## Planning Practice Guidance

Consultation on the government's Review of Planning Practice Guidance ended on 15 February. In its response English Heritage welcomed Lord Taylor's suggested strategy that guidance needed to be simplified, clarified and available for all who engage with the planning system, as well as being concise, up-to-date, proportionate and accessible.

English Heritage has been working with the Historic Environment Forum, which includes bodies from the historic environment sector at its widest, in the development of guidance to support the heritage section of the National Planning Policy Framework (NPPF). Replacing the Historic Environment Practice Guide to the previous PPS 5 (*Planning for the Historic Environment*), this new document, the Report suggests, would sit below the proposed government on-line Practice Guide.

What was unclear from the Taylor Report was the exact make-up of guidance at each level. We have therefore suggested a number of matters that it is imperative should be included in the government on-line guidance. English Heritage's own detailed guidance on matters including conservation areas, setting and enabling development would remain. Though they have not yet been amended to take account of the introduction of the NPPF – this awaits the government response to the Taylor Review – the principles and methodologies are all still applicable. The English Heritage response is available at [www.english-heritage.org.uk/content/imported-docs/f-j/governments-review-of-planning-practice-guidance-eh-consultation-response.pdf](http://www.english-heritage.org.uk/content/imported-docs/f-j/governments-review-of-planning-practice-guidance-eh-consultation-response.pdf)

The Review also recommended the retention, though in a revised form, of the World Heritage Circular (Circular 07/2009) and the consolidation of the guidance on handling arrangements for heritage consents currently contained in Circulars 08/2009, 09/2005 and 01/2001; both pieces of work should enable much more concise statements to be issued. English Heritage is also carrying out a thorough review of its own guidance to ensure that it, too, is necessary, concise, up-to-date, proportionate and clear.

Contact:

[richard.morrice@english-heritage.org.uk](mailto:richard.morrice@english-heritage.org.uk)

## West Dean College



Between May and November 2013, West Dean College will be offering the following courses in its English Heritage-validated Building Conservation Masterclasses programme:

- 7–10 May Conservation and Repair of Masonry Ruins
- 13–16 May Managing Wildlife on Historic Monuments
- 28–31 May Conservation and Repair of Plasters and Renders
- 24–27 June Masonry Cleaning
- 2–5 September The Structural Repair of Historic Buildings
- 16–19 September Conservation of Concrete
- 30 September–3 October Conservation and Repair of Stone Masonry
- 14–17 October Conservation and Repair of Timber
- 18–21 November Mortars for Repair and Conservation

New for 2013 – RIBA CPD Lectures  
Starting in January, 10 experts in their field will deliver a half-day lecture corresponding to the subjects within the new RIBA Core Curriculum. This programme enables you to top up your conservation knowledge and get all 10 required core curriculum topics in a stunning setting.

For more information please contact the CPD Coordinator at West Dean College, 01243 818219 or [cpd@westdean.org.uk](mailto:cpd@westdean.org.uk) website: [www.westdean.org.uk/college](http://www.westdean.org.uk/college) and click on CPD



# National Heritage Collections

## News and Events

### **Celebrating the 1913 Ancient Monuments Act**

This year is the centenary of a landmark moment for England's heritage – the passing of the 1913 Ancient Monuments Act. To mark this important anniversary, English Heritage is mounting a series of exhibitions that will trace the movement to protect England's heritage, from its early days in the 19th century to the challenges of today.

Housed in the Quadriga Gallery within London's Wellington Arch monument (see article below), the exhibitions draw heavily on English Heritage's unique collections and archives.

### **A Monumental Act: How Britain Saved its Heritage**

1 May – 7 July

At the dawn of the 20th century hundreds of historically important buildings across the British Isles stood in ruins, half-buried and overgrown with ivy. While many people enjoyed their picturesque beauty, they were slowly being destroyed by vandalism and natural decay.

The 1913 Ancient Monuments Act introduced the first effective legal protection for this country's built heritage. This opening exhibition in the series takes visitors back to the first half of the 20th century, to see how the 1913 Act happened and how the 'Men from the Ministry' went about saving Britain's heritage.

In the first 20 years after 1913 no fewer than 229 monuments came into the care of the Office of Works. Many were in a precarious condition, needing extensive repair to preserve them. The Ancient Monuments Branch of the Office of Works developed special methods for stabilising and exposing as much as possible of the original fabric of the monument.

Enshrined in the 1913 Act was the idea that monuments taken into state care would be accessible to the public. By 1939 the Office of Works was the largest operator of visitor attractions in Britain and the picturesque ruins of the 19th century had been transformed into Europe's most ambitious outdoor museum – the National Heritage Collection of today, managed by English Heritage, Cadw and Historic Scotland.

### **Pride and Prejudice: The Battle for Betjeman's Britain**

17 July – 15 September

How John Betjeman and others campaigned in the 1930s for recognition of our architectural heritage and how Britain's listing system emerged from the ruins of the Blitz.

### **Brutal and Beautiful: Saving the Twentieth Century**

25 September – 24 November

Post-war buildings are admired yet their listing is often fiercely debated. This exhibition explores the wide range of architectural qualities that make these buildings worth preserving for the future.

### **Almost Lost: London's Buildings Loved & Loathed**

4 December – 2 February 2014

Using the latest digital technology we show the extent of London's built heritage and explore how the capital might look if its treasured historic landmarks had been destroyed.

Further information on exhibitions and events:

[www.english-heritage.org.uk/quadriga](http://www.english-heritage.org.uk/quadriga)

Customer services 0870 333 1181



Repairing the walls of Furness Abbey, Cumbria, in the 1920s, using a gravity grouting machine.

© English Heritage

### **Early examples of heritage crime**

Historic photographs and drawings from the English Heritage Archives can often be an invaluable source of evidence about the original form and detailing of buildings and monuments that may subsequently have been the subject of criminal damage or theft.

Kit's Coty House in Kent was photographed in the latter half of the 19th century covered in graffiti. In the 1880s, as concern mounted about damage to ancient monuments, the Neolithic burial chamber was among the first to be protected by the state, on the advice of General Augustus Henry Lane Fox Pitt-Rivers, the first Inspector of Ancient Monuments. Railings were erected around the stones as a safeguard.

© English Heritage

As the accompanying photograph shows, they can also serve as a reminder that anti-social behaviour relating to the historic environment is nothing new.



## Wellington Memorial Papers

English Heritage has recently acquired a series of unique documents relating to the controversial commissioning of the equestrian statue of the Duke of Wellington that was previously situated on the Wellington Arch at Hyde Park Corner. Included in the album are letters to or from the sculptor, Matthew Cotes Wyatt, and the architect Decimus Burton as well as members of the Memorial Committee, and many others.

The colossal equestrian statue was 'temporarily' erected on top of the arch in 1846 when it received much criticism. Despite being seen as unsuitable for this central location, the Duke of Wellington felt that removal would be perceived as a slight to his reputation – so the memorial was left in situ. The statue was finally taken down from the arch in 1883 and re-sited near to the Garrison Chapel at Aldershot.

The controversial statue of the Duke of Wellington photographed in 1883 during its removal from the Arch.

© English Heritage



## Services and on-line resources

The English Heritage Archive collections comprise around 12 million items relating to England's historic environment, 70% of which are photographs dating from the 1850s to the present day, as well as reports, drawings, and plans.

To find out more go to:

<http://www.english-heritage.org.uk/professional/archives-and-collections>

Or contact: Archive Services, The English Heritage Archive, The Engine House, Fire Fly Avenue, Swindon SN2 2EH  
Tel: 01793 414600, fax: 01793 414606 or email: [archive@english-heritage.org.uk](mailto:archive@english-heritage.org.uk)

### English Heritage Archive

[www.englishheritagearchives.org.uk](http://www.englishheritagearchives.org.uk)

The Archive Catalogue includes descriptions of more than 1 million photographs and documents

### Portico

[www.english-heritage.org.uk/portico](http://www.english-heritage.org.uk/portico)

In-depth histories of English Heritage sites

### Heritage Gateway

[www.heritagegateway.org.uk](http://www.heritagegateway.org.uk)

National and local records for England's historic sites and buildings

### PastScape

[www.pastscape.org.uk](http://www.pastscape.org.uk)

England's archaeological and architectural heritage

### Heritage Explorer

[www.heritageexplorer.org.uk](http://www.heritageexplorer.org.uk)

Images for learning; resources for teachers

The following **Designated Datasets** held by English Heritage are available for download via the English Heritage website, <http://services.english-heritage.org.uk/NMRDataDownload/>. The data are suitable for use in a Geographic Information System:

- Listed buildings
- Scheduled monuments
- Registered parks and gardens
- Registered battlefields
- World Heritage Sites
- Protected wreck sites



# Legal Developments

## New Law and Clarity for Listed Building Entries

Mike Harlow, *Governance and Legal Director, English Heritage*

By the time you read this I hope the sun will be warming your copy of the Enterprise and Regulatory Reform Act 2013. It may sound only remotely interesting, but in there are a clutch of heritage protection reforms that have been waiting patiently for a Parliamentary landing slot since the ill-fated Heritage Protection Bill was last seen in Government's airspace.

Tucked in amongst a miscellany of other regulatory efficiencies are the heritage bits that:

- allow for heritage partnership agreements to give listed building consent
- create a new certificate of lawful proposed works to a listed building – where what's proposed does not affect the special interest
- allow local authorities and the Secretary of State to issue a class consent order, giving listed building consent for a category of works to a category of buildings
- remove the requirement for conservation area consent, but replace it wholesale with an equivalent new requirement for planning permission
- allow for applications for a certificate of immunity from listing to be applied for at any time
- allow for new and revised listed building entries to be more precise about what is protected and why.

I want to focus on the last of these as it will come into force around July. The rest will be later as there are underpinning procedures that still need to be created and consulted upon.

In 1969 two problems came into life: one for my mother, and the other for listed buildings. From that point on, not only was a principal listed building protected, but also any structures attached to it and within its curtilage, provided the latter pre-dated 1948. Prior to that date and subsequently there has also been the problem of deciding what fixtures and fittings are affected by the listing.

A typical example might be an 18th-century house with a 20th-century lean-to shed attached to it and a 19th-century greenhouse in the garden. Whether these are architecturally or historically interesting, on their own or in combination with each other, is irrelevant. The law says they are protected if they are ancillary to the principal building and either attached to it or within its curtilage.

So the lean-to and the greenhouse are in principle protected in this made-up case. The question is then whether consent is needed for works to them.

The list entry may be of little help as they may not even get a mention in the accompanying narrative.

That raises uncertainty enough. Now move on to consider what the curtilage of a listed railway station is, or whether a wing of a hospital is ancillary to the listed admin block to which it is attached, and you start to get a feel for some of our caseload here at Ivory Towers and at local authorities around the country.

This lack of clarity is deeply unsatisfactory for owners and developers, but nothing could be done without a change in the law.

Thanks to this enterprising new Act, the Secretary of State (advised by English Heritage) can, in all new and revised list entries, say definitively whether attached or curtilage structures are protected. A list entry may thus have a red line around a building and expressly state that nothing outside of it is protected, whether attached or in the curtilage. Listed building consent will then unarguably not be needed for works to those attached or curtilage structures, unless the works go so far as to affect the fabric of the principal listed building.

The new entries may also exclude from protection objects that are fixed to a listed building. So lights, signs or art, for example, that might be deemed fixtures rather than fittings, could be expressly excluded from protection if they are not part of the building's special interest.

Furthermore, new entries can also definitively state that a part or feature of a building is not of special interest. This could be very useful where an internal aspect of the building could be helpfully freed from the consent requirements without harming the heritage value. I'm no expert, but I doubt the modern partitioning here at Ivory Towers is really the finest aspect of this Grade II\* building.

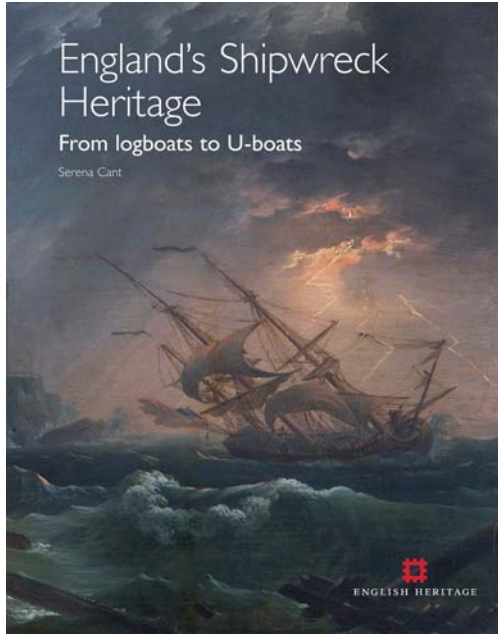
Importantly, this will not mean that silence in the list entry implies a lack of heritage value or that the description of special interest is definitive. Modern list entries are more extensive in their description of the historic and architectural interest of the place, but they are not exhaustive and will not be interpreted as such because of these changes in the law.

We will be updating our online Guide to Heritage Protection and designation advice web pages as these changes take effect. To keep up to date on Twitter just follow @EHLegalDirector. ■

# New Publications from English Heritage

## England's Shipwreck Heritage: From logboats to U-Boats

Serena Cant



This book examines wrecks from log boats, Roman galleys and medieval cogs to East India-men, grand ocean liners, fishing boats and warships. In peacetime, shipwrecks link the architecture and monuments of different countries; in time of war they link friend and foe in a common heritage.

*England's Shipwreck Heritage* explores the evidence we have for shipwrecks and their causes, including the often-devastating effects of the natural environment and human-led disaster. Ships at war, global trade and the movement of people – whether as passengers, convicts or slaves – are also investigated. Along the way we meet the white elephant who perished in 1730, the medieval merchant who pursued a claim for compensation for nearly 20 years, the most famous privateer for the American revolutionary wars and the men who held their nerve in the minesweeper trawls of the First World War.

Highly illustrated and based on extensive new research, this book will appeal to anyone with an interest in England's maritime heritage.

PUBLICATION DATE: July 2013

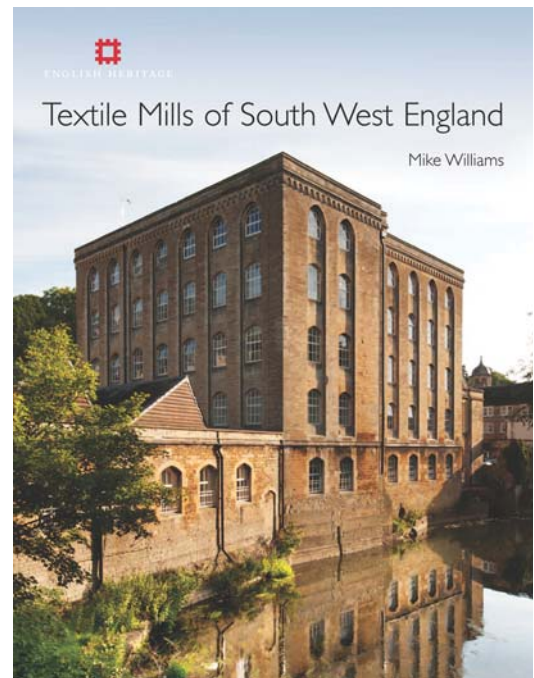
PRICE: £50

ISBN: 978 | 84802 044 3

Hardback, 320pp; 300 illus

## Textile Mills of South West England

Mike Williams



The textile industry has been one of the most prolonged and widespread influences on the development of historic buildings in the South West. The regional industry pre-dated the classic period of the Industrial Revolution by several centuries, resulting in distinctive types of vernacular buildings, industrial buildings, townscapes and landscapes, all contrasting with those in other areas.

This book provides an analysis of historical context, an account of the development of each of the industries, an interpretation of the distinctive features of the buildings, a clarification of the historical importance of South-West textile mills and statements on the benefits of their conservation.

The core of the book deals with the industries in detail, each chapter providing historical context followed by an account of the distinctive features of the buildings based on descriptions of representative examples. The final chapter emphasises the tradition of re-use and conversion in the South-West textile industries, and concludes with new statements on national significance and comparisons with other regions.

PUBLICATION DATE: July 2013

PRICE: £50

ISBN: 978 | 84802 083 2

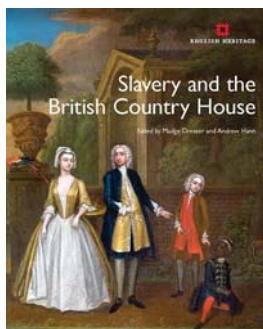
Hardback, 320pp; 357 illus



## Slavery and the British Country House

Edited by Madge Dresser and Andrew Hann

As new questions are being asked of England's historic role in slavery, new connections are being unearthed between the nation's great houses and its colonial past. To commemorate the bicentenary of the abolition of the British transatlantic slave trade in 1807



English Heritage commissioned research into links between slavery or its abolition and the families who owned properties now in its care.

The research findings were presented at a 'Slavery and the British Country House' conference, which brought together academics, heritage professionals, country-house owners and community researchers from across Britain to explore how country houses might be reconsidered in the light of their slavery linkages and how such links should be presented to visitors.

The conference papers have now been reworked into a volume that represents the most current and comprehensive consideration of slavery and the British country house as yet undertaken.

PUBLICATION DATE: July 2013

PRICE: £50

ISBN: 978 | 84802 064 |

Hardback, 208pp; 120 illus

### SPECIAL OFFER

Until 30 September 2013 all of the titles featured above can be obtained free of postage through English Heritage Postal Sales at the address below (please quote code 7220130001 when ordering).

Publications may be ordered from Orca Book Services Ltd, Order Department, 160 Milton Park, Abingdon, Oxon OX14 4SD.

Tel: 01235 465577; fax: 01235 465556; email: [direct.orders@marston.co.uk](mailto:direct.orders@marston.co.uk).

Please quote the appropriate ISBN and make all cheques payable in sterling to Orca Book Services. Publications may also be ordered from [www.english-heritageshop.org.uk](http://www.english-heritageshop.org.uk) Prices and postage charges may differ on the website.

## Support for the Fleet: Architecture and engineering of the Royal Navy's Bases 1700–1914

Jonathan Coad

This major new book traces the history of the architectural and engineering works in the Royal Navy's shore bases at home and overseas and the political imperatives and technologies that helped shape them up to the First World War.

Based on detailed archival research, it concentrates on the remarkable legacy of surviving structures and reveals the close links that developed with a rapidly industrialising Britain at the end of the 18th century.

The influence of the Royal Engineers is traced from early beginnings in the 1700s to their major role in dockyard expansions into the 20th century. The architectural development of victualling and ordnance yards, naval hospitals, schools and coaling stations are all described, together with their contributions to Great Britain's long naval supremacy. Copiously illustrated, this important and lively work will appeal to naval historians, industrial archaeologists and students of British history.



PUBLICATION DATE: May 2013

PRICE: £100

ISBN: 978 | 84802 055 9

Hardback, 464pp; 482 illus

*Conservation Bulletin* appears twice a year. It is printed on paper made from chlorine-free pulp sourced from sustainable managed forests.

ISSN 0753-8674

Product Code: 51810

Subscription enquiries and changes of address: tel: 020 7973 3253; email: [mailinglist@english-heritage.org.uk](mailto:mailinglist@english-heritage.org.uk)

Additional copies: [customers@english-heritage.org.uk](mailto:customers@english-heritage.org.uk)

Guest Editors: Mike Harlow and Mark Harrison

English Heritage contract manager: Sarah Tunnicliffe;

tel: 07711 491752; email: [sarah.tunnicliffe@english-heritage.org.uk](mailto:sarah.tunnicliffe@english-heritage.org.uk)

Editorial and project management: Whimster Associates Ltd; tel: 01672 521525; email: [r.whimster@eclipse.co.uk](mailto:r.whimster@eclipse.co.uk)

Layout: Libanus Press Ltd

Printed by: Pureprint

Web version: [www.english-heritage.org.uk](http://www.english-heritage.org.uk)

Copyright: © the authors or their employing institutions (text) and English Heritage (typography and design) 2012 The views expressed are those of individual contributors and not necessarily those of English Heritage.

English Heritage is the Government's lead body for the historic environment.

English Heritage, 1 Waterhouse Square, 138–142 Holborn, London EC1N 2ST



Please remember to recycle this publication when you no longer need it.



**Mixed Sources**  
Product group from well-managed forests and recycled wood or fiber  
[www.fsc.org](http://www.fsc.org) Cert no. SGS-COC-0620  
© 1996 Forest Stewardship Council



If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer

Services Department:

Telephone: 0870 333 1181

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: [customers@english-heritage.org.uk](mailto:customers@english-heritage.org.uk)