



Historic England

Heritage Crime Impact Statements



Summary

This is a general guide on the use of heritage crime impact statements written to assist agencies responsible for the prevention and enforcement of heritage crime. The guide covers the use of heritage crime impact statements, who should provide one and what information they should contain.

This document has been prepared by Mark Harrison. It is one of a series of six documents on Heritage Crime. These documents fall into two categories: Heritage Crime: Prevention and Heritage Crime Law Enforcement.

Prevention



Enforcing the Law



This edition published by Historic England February 2018. All images © Historic England unless otherwise stated.

Please refer to this document as:

Historic England 2018 *Heritage Crime – Impact Statements*. Swindon. Historic England.

[HistoricEngland.org.uk/advice/caring-for-heritage/heritage-crime/](https://www.historicengland.org.uk/advice/caring-for-heritage/heritage-crime/)

Front cover:

Police officers and heritage professionals working together at a joint training event.

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Introduction

This is a general guide on the use of heritage crime impact statements to assist agencies responsible for the prevention and enforcement of heritage crime. The guide considers the use of heritage crime impact statements, who should provide one and what information they should contain.

Impact statements are frequently used in the criminal process when dealing with anti-social behaviour, crimes such as metal theft (eg from the railway network infrastructure) and many other crimes.

As part of the Heritage Crime Programme, Historic England has encouraged and engaged in the use of heritage crime impact statements which have proved invaluable in explaining the impact of crime on heritage assets both to the enforcing agency and also to the courts when considering sentence. This has resulted in appropriate levels of sentencing that properly reflect the harm caused to the asset by the crime.

There is a flow chart in Appendix 1 of this guidance showing how and when to obtain information to inform a heritage crime impact statement. This document also provides templates for heritage crime impact statements in Appendices 3 to 9 which enforcement agencies can use to produce their own, and some worked example in Appendix 10.

Further information about the [Heritage Crime Programme](#) can be found on the Historic England website:

1 What is Heritage Crime?

Heritage crime is defined for the purposes of this guidance as ‘any offence which harms the value of England’s heritage assets and their settings to this and future generations.’

England’s heritage assets include:

- World Heritage Sites
- Scheduled monuments
- Listed Buildings; Protected Wreck Sites
- Conservation Areas
- Registered Parks and Gardens
- Registered Battlefields
- Protected military remains of aircraft and vessels of historic interest
- Undesignated but acknowledged buildings and sites of heritage significance

Some of these assets are designated (such as listed buildings and scheduled monuments) and there is a consent regime and specific offences in law to protect these assets against damage and unauthorised alteration. These specific heritage crime offences are set out in Appendix 2.

Some designated heritage assets have no separate consent regime and no specific regulatory offences which apply to them. These assets include Registered Parks and Gardens, Registered Battlefields and World Heritage Sites, although they may contain designated heritage assets that are themselves regulated eg listed buildings, scheduled monuments and conservation areas.

2 Purpose

A heritage crime impact statement (properly called a Witness Statement) describes the crime or anti-social behaviour which has taken place and its effect on a heritage asset and/or the historic environment in an area. This allows the enforcement agencies and the courts to understand the harm which has been caused to the asset or area.

Assessing the seriousness of heritage crime offences requires an understanding of the significance of the heritage asset and a detailed analysis of the direct and immediate harm, which is often irreversible, as well as the wider consequences for the historic environment.

Harm caused to a heritage asset by crime will often have both direct and indirect impacts. For example the loss of historic fabric from a listed building through vandalism or theft will not only have a direct impact by damaging the fabric of the heritage asset itself but may also have an indirect impact such as social or economic loss to the amenity of an area. An impact statement will allow heritage practitioners to express the impact of the crime both on the heritage asset and the surrounding area.

3 When to Get an Impact Statement

Early on in an investigation of a heritage crime it will be important to establish whether the building or site affected is a heritage asset and if so whether it is designated or undesignated.

It is then important to understand quickly the impact that the crime has had on the heritage asset and its setting and whether any specific heritage offences apply.

The production of a full heritage crime impact statement may not be necessary in every case under investigation. What is important is the ability for the aggravating factors to be highlighted and understood by the enforcing agency at an early stage. This information will be useful, in particular, as part of the preparation for interviewing suspects, understanding whether any specific heritage offences apply and will also be a factor in the enforcement agency's decision on the most appropriate response to the crime.

A full heritage crime impact statement in the proper form will generally only be necessary if it is a police investigation on referral to the Crown Prosecution Service for review, or when criminal proceedings are issued by the enforcing authority to assist the court in sentencing (see Section 6 below).

The flowchart in Appendix 1 sets out the steps that an enforcing agency might take to get a heritage crime impact statement. However, each case should be reviewed on an individual basis particularly where a serious crime has occurred.

4 Who Can Give an Impact Statement?

A heritage crime impact statement will usually be provided by a professional witness such as an archaeologist, buildings expert or other heritage practitioner who has the necessary qualifications and experience to explain the significance of a heritage asset and to provide an assessment of the harm caused by the crime. A statement could also be provided by local experts and members of archaeological/local history societies with the necessary knowledge and expertise.

It is common for heritage assets to have more than one designation for example as well as being a scheduled monument it may also be designated as a listed building or may have in its grounds a registered park or garden. For buildings or sites with multiple designations, where possible, one heritage crime impact statement should be prepared covering all designations. However, on occasion this may not be possible and it will instead be necessary to obtain more than one heritage crime impact statement where the expertise in particular areas requires this.

Where an owner, manager or guardian of a heritage asset or community group also wish to make a victim impact statement they should be encouraged to do so. This will complement any heritage crime impact statement. The Crown Prosecution Service has issued legal guidance on [Victim Personal Statements](#).

5 Information to Include

When preparing a heritage crime impact statement, it is important that the person making the statement can describe how the crime has resulted in the:

- Loss of historical, architectural, archaeological or artistic information which would have informed our understanding of the past and formed part of the national record
- Impact/damage, including the direct and indirect harm to the heritage asset and/or wider historic environment

The following information and evidence should be considered for inclusion within a heritage crime impact statement but this is not an exhaustive list:

- A description of the heritage asset that is affected by the crime including any designations (national and local designations)
- The significance of the heritage asset in both local, national and where appropriate international terms (whether designated or not)
- If the heritage asset is designated, an explanation of that designation including how it is regulated by law
- The impact of the crime on the heritage asset both direct and indirect. This should include an assessment of the loss/harm to the asset itself and whether this is reversible or irreversible, the impact on the wider area and any loss of historic information.

Some other useful information that might be provided either by the heritage practitioner, victim, or specialist police officer includes:

- The cost of repairs and other financial loss eg removal of graffiti or replacement of lead roof often require work to be undertaken by a specialist contractor; other financial loss as a result of the crime eg reduction in visitor numbers to a historic attraction through closure to carry out repairs.
- Specific information supplied by the police and other agencies, that indicate the number of times a heritage asset and its associated setting has been subject to crime and anti-social behaviour. For example damage by off-road vehicles or illicit metal detecting.
- The number of environmental clean ups required at an historic site in order to remove graffiti, drugs, litter or fly-tipping.
- The number of reports of crime received by the police, local authority, Historic England etc relevant to the historic environment. For example statistics on the theft of peg tiles or lead from historic or ecclesiastical properties.

It cannot be assumed that the court or legal representatives in a case will have an understanding of heritage assets, their importance, how they are protected and regulated. It is important when writing a heritage crime impact statement to make sure the statement is written in plain English and can be readily understood by anyone.

Form

A heritage crime impact statement must be in the proper form where criminal proceedings are issued, either as a witness statement required by section 9 of the Criminal Justice Act 1967 or an expert's report, and will be served upon the defendant's solicitor or the defendant (if unrepresented) prior to sentence.

If it is a police investigation which is referred to the Crown Prosecution Service for a decision on prosecution the heritage crime impact statement should also be in the proper form and submitted with the file at that stage.

The templates in Appendices 3 to 9 give examples of the proper form.

6 When Can a Statement be Used?

There are two different uses of a heritage crime impact statement (or information obtained for its preparation):

Interventions - Out of Court disposals

The heritage crime impact statement or the information gathered for its preparation may be used by the enforcement agency concerned when considering an out of court disposal as an alternative to prosecution, for example:

- Reprimand and Final Warning – for young people
- Formal Warning – for adults
- Anti-social behaviour order
- Conditional Caution
- Adult Caution (simple caution)
- Penalty notice for disorder
- Injunction

An out of court disposal may include a form of restorative justice intended to bring victims, offenders and communities together. A heritage crime impact statement (or the information gathered for its preparation) can be very helpful in selecting appropriate restorative justice measures including perhaps a reparative measure involving mitigation of the harm caused to the asset eg removal of unauthorised works, removal of graffiti, funding an emergency archaeological survey resulting from unauthorised works etc.

Interventions – Prosecution (Court disposal)

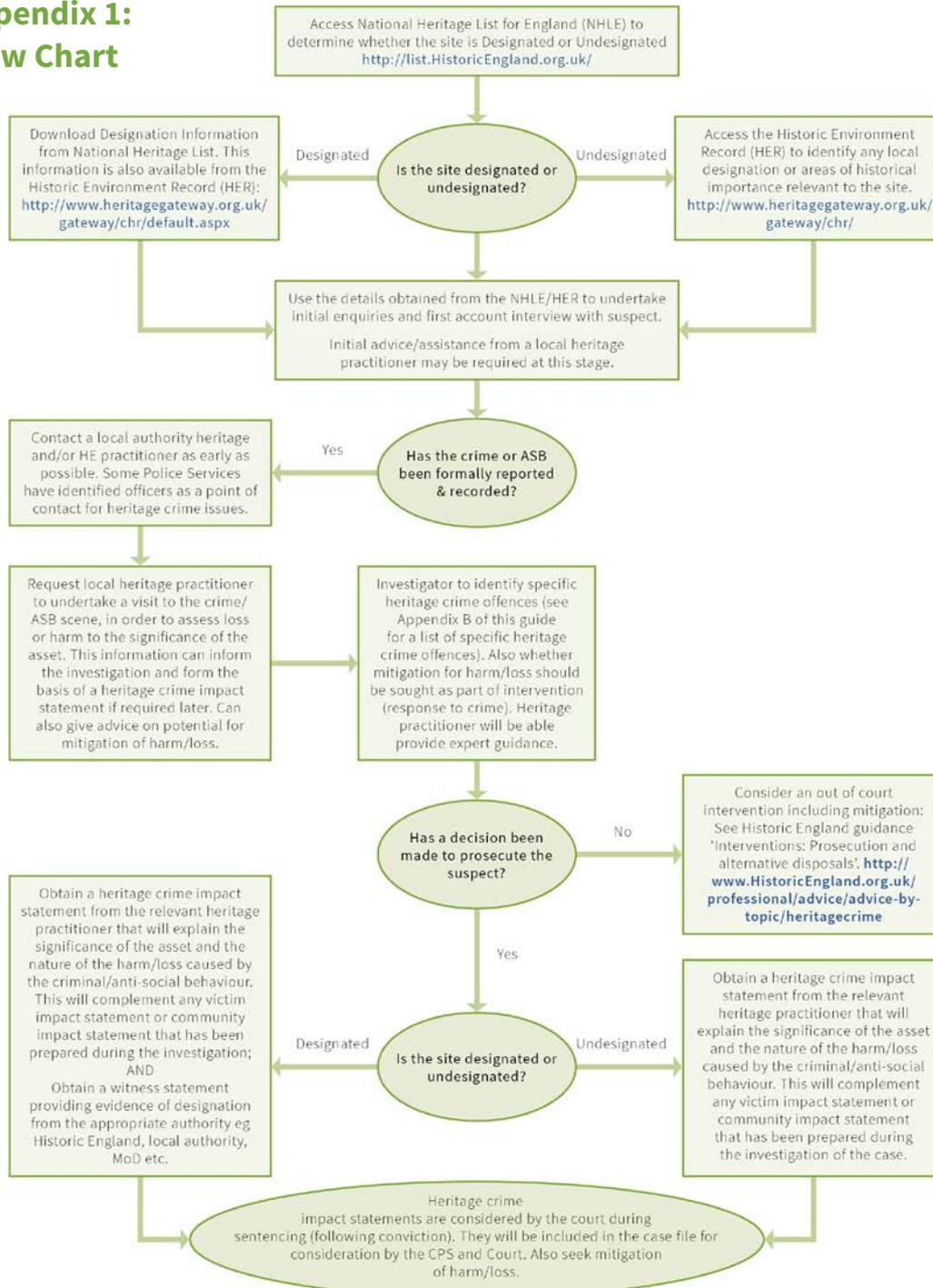
A heritage crime impact statement can only be used in court once a defendant has been found or pleaded guilty to the offence(s). Such a statement is not relevant to the question of guilt.

Once guilt has been determined, the heritage crime impact statement should be considered and taken into account by the court prior to passing sentence. The statement provides the court with essential information so that it has a fuller understanding of the nature and impact of the crime when determining an appropriate sentence.

Historic England has produced the following guidance [Interventions: Prosecution and Out of Court Disposals](#).

7 Appendices

Appendix 1: Flow Chart



It is important to understand the extent of information required about the heritage asset and impact of the crime. A view will need to be taken on a case by case basis.

Appendix 2: Summary of Specific Heritage Crime Offences

Some heritage assets are designated (such as listed buildings and scheduled monuments) and there is a consent regime and specific offences in law to protect these assets against damage and unauthorised alteration. These specific heritage crime offences are set out below under 'Designated Assets'.

There are also some specific heritage crime offences that do not apply to a particular designated heritage asset. These are set out below under the heading 'Other specific heritage crime offences not related to a particular designation'.

Designated Assets

Listed Buildings

Planning (Listed Buildings and Conservation Areas) Act 1990-

Listed Buildings are buildings of special architectural or historic interest which appear on lists compiled or approved by the Secretary of State. A listed building includes the building which appears in the list and any object or structure fixed to the building, and any object or structure within the curtilage of the building that although not fixed to the building has formed part of the land since before 1st July 1948 (see section 1).

Listed buildings are graded to reflect their relative architectural and historic importance as follows: Grade I (exceptional quality), Grade II* (particularly important buildings of more than special interest and Grade II (buildings of special interest warranting every effort to preserve them).

Control of works affecting listed buildings:

Section 9(1) execute or cause to be executed the demolition of a listed building or works to alter or extend a listed building which affect its special interest, without listed building consent.

Section 9(2) failure to comply with a condition attached to a listed building consent.

The above offences also apply to a building which is the subject of a building preservation notice issued under section 3 of the 1990 Act.

The offences under section 9 are triable either way. A person convicted of an offence under section 9 is liable:

(a) on summary conviction to a fine not exceeding £20,000 or a maximum of 6 months imprisonment or both; or

(b) on indictment to a fine or a maximum of 2 years imprisonment or both. (see section 9(4))

Both notifiable offences - Home Office Code 94 Planning Laws.

Failure to comply with a listed building enforcement notice:

Section 43(2) failure to comply with the steps required by a listed building enforcement notice following expiration of the compliance period, the current owner of the land in question is liable. The owner may be convicted of second and subsequent offences if there is continued failure to comply.

The offence under section 43(2) is triable either way. A person convicted of an offence under this section is liable:

(a) on summary conviction to a fine not exceeding £20,000; or

(b) on indictment to a fine. (see section 43(5)).

Notifiable offence – Home Office Code 94 Planning Laws.

Damage to a listed building:

Section 59(1) with the intention of causing damage to a listed building, a relevant person does or permits the doing of any act which causes or is likely to result in damage to the building.

'Relevant person' is someone who but for the provision would be permitted to do or permit the act in question ie an owner or occupier of the listed building.

The offence under section 59(1) is summary only. On conviction a person is liable to a fine not exceeding level 3.

Section 59(4) if having been convicted under section 59(1) a person fails to take such reasonable steps as may be necessary to prevent any damage or further damage resulting from the offence they shall be guilty of a further offence under this subsection.

The offence under section 59(4) is again summary only. On conviction a person is liable to a fine not exceeding one tenth of level 3 for each day on which the failure continues.

Not notifiable. Record as an incident.

Conservation Areas

Planning (Listed Buildings and Conservation Areas) Act 1990 -

Conservation areas are designated usually by the local planning authority as areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance (see section 69).

Control of Works affecting unlisted buildings in Conservation Areas:

Section 9(1) and (2) offences are applied to conservation areas by section 74(3)

Section 9(1) – executing or causing to be executed the demolition of an unlisted building in a conservation area without conservation area consent except where consent is not required.

Section 9(2) – failure to comply with a condition attached to a conservation area consent. Both notifiable offences – Home Office Code 94 Planning Laws.

Failure to comply with a conservation area enforcement notice:

Section 43 is applied to conservation area enforcement notices by section 74(3).

Notifiable Offence – 94 Planning Laws.

Scheduled Monuments

Ancient Monuments and Archaeological Areas Act 1979 –

Scheduled monuments are sites designated by the Secretary of State as archaeological sites of national importance. The Secretary of State is responsible for compiling and maintaining the schedule of monuments (see section 1).

Control of works affecting scheduled monuments:

Section 2(1) – to execute, cause or permit to be executed works to a scheduled monument without scheduled monument consent (granted by the Secretary of State)

Section 2(6) – failure to comply with a condition attached to scheduled monument consent

An offence under section 2 is triable either way. A person convicted of an offence under this section is liable on:

- (a) summary conviction to a fine not exceeding the statutory maximum; or
- (b) on indictment to a fine.

(see section 2(10))

Both offences are notifiable – Home Office Code 98/99 other notifiable applies to an offence under section 2(1) and 98/65 other notifiable for an offence under section 2(6).

Offence of damaging certain ancient monuments:

Section 28(1) intentionally or recklessly destroying or damaging a ‘protected monument’ without lawful excuse
‘Protected monument’ is defined as a scheduled monument and any monument under the ownership or guardianship of the Secretary of State, English Heritage or a local authority by virtue of the 1979 Act.

An offence under section 28(1) is triable either way. A person convicted of an offence under this section is liable:

- (a) on summary conviction to a fine not exceeding the statutory maximum or to a maximum of 6 months imprisonment or both; or
- (b) on indictment to a fine or a maximum of 2 years imprisonment.

(see section 28(4)).

Notifiable offence – Home Office Code 149/58D other damage.

Restrictions on the use of metal detectors:

Section 42(1) using a metal detector in a ‘protected place’ without the written consent of Historic England.

An offence under this sub-section is summary only. On conviction a person is liable to a fine not exceeding level 3.

Section 42(3) removal of an object of archaeological or historical interest which is discovered by the use of a metal detector in a ‘protected place’ without the written consent of Historic England.

An offence under this sub-section is triable either way. A person convicted of an offence is liable:

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on indictment to a fine.

Section 42(5) –

- (a) using a metal detector in a ‘protected place’ in accordance with a consent granted by Historic England and failing to comply with a condition attached to it;
- (b) removing or otherwise dealing with any object which is discovered by the use of a metal detector in a ‘protected place’ in accordance with a consent granted by Historic England and failing to comply with a condition attached to it.

An offence under section 42(5) (a) is summary only. The penalty is the same as for an offence under section 42(1).

An offence under section 42(5) (b) is triable either way. The penalty is the same as for an offence under section 42(3).

‘Protected place’ means a scheduled monument or any monument under the ownership or guardianship of the Secretary of State, English Heritage or a local authority by virtue of the 1979 Act, or situated in an Area of Archaeological Importance (designated under the 1979 Act, Part II).

The offence under section 42(3) is notifiable – Home Office Code 99/99 other notifiable. Other offences under section 42 are not notifiable. Record as an incident.

Protected Marine Wreck Sites

Protection of Wrecks Act 1973-

Restricted areas:

A restricted area is an area in UK waters designated by the Secretary of State around the site of a vessel (or likely to contain a vessel) lying wrecked on or in the sea bed and on account of the historical, archaeological or artistic importance of the vessel or of any objects contained or formerly contained in it the site ought to be protected from unauthorised interference (see section 1(1)).

Section 1(3) the carrying out or causing or permitting others to carry out certain specified activities in a 'restricted area' without a licence granted by the Secretary of State, including tampering, damaging or removing part of a vessel and exploration. Anything done in contravention of a condition or restriction on a licence is treated as a breach of this section.

Section 1(6) obstruct or cause or permit the obstruction of a person doing anything authorised by a licence to carry out diving or salvage operations granted by the Secretary of State.

Offences under section 1 are triable either way. A person convicted of an offence under section 1 is liable:

- (a) on summary conviction to a fine of not more than the prescribed sum; or
- (b) on indictment to a fine. (see section 3(4)).

Both offences are notifiable – Home Office Code 98/65 other notifiable.

Prohibited areas:

A prohibited area is an area designated by the Secretary of State round a vessel lying wrecked in UK waters that because of anything contained in it the vessel is in a condition which makes it a potential danger to life or property and on that account it ought to be protected from unauthorised interference (see section 2(1)).

Section 2(3) Entering a prohibited area whether on the surface or under water without authority in writing from the Secretary of State.

The offence under section 2 is triable either way. A person convicted of an offence under this section is liable:

- (c) on summary conviction to a fine of not more than the prescribed sum; or
- d) on indictment to a fine. (see section 3(4)).

Notifiable offence – Home Office Code 98/65 other notifiable

Protection of Military Remains

Protection of Military Remains Act 1986-

This act gives protection to the wreckage of crashed military aircraft and designated wreckage of military vessels. There are two types of protection under the act given (a) Protected places (see section 1(6)); and (b) Controlled sites (see section 1).

Protected Places:

Military aircraft (UK or other nations) that crashed in the UK, UK territorial waters or in UK controlled waters are automatically protected under the act. Wreckage of UK military aircraft is also protected under the act if elsewhere in the world.

Shipwrecks (vessels) require specific designation under the act in order to be a protected place. This applies only to vessels that sank after 14 August 1914. These are designated by order of the Secretary of State made by statutory instrument.

Section 2(1)(b) in relation to a protected place, it is an offence for a person to tamper with, damage, move or unearth remains; enter any hatch or other opening in any of the remains which enclose any part of the interior of an aircraft or vessel (or cause or permit another to do so) (see subsection (2)). The person must believe or have reasonable grounds for suspecting that the place comprises the remains of an aircraft or vessel which has crashed, sunk or been stranded while in military service.

Section 2(1)(c) in relation to a protected place, it is an offence to knowingly take part in, or cause or permit another person to take part in, the carrying out of any excavation or diving or salvage operation prohibited by subsection (3)(b) and (c). That is, (b) if it is carried out for the purpose of doing something that constitutes or is likely to involve a contravention of subsection (2) (see above); and (c) in the case of an excavation, if it is carried

out for the purpose of discovering whether any place in the UK or UK waters comprises any remains of an aircraft or vessel which has crashed sunk or been stranded while in military service.

Section 2(1) (d) it is also an offence to knowingly use, or cause or permit others to use any equipment in connection with the carrying out of any such excavation or operation.

The Secretary of State has the power to grant a license permitting these prohibited acts (section 4).

Controlled sites:

Controlled sites require specific designation by the Secretary of State by location. They are sites (within the UK, UK territorial or international waters) which appears to the Secretary of State to contain the remains of any crashed military aircraft or vessel (UK or other) which has sunk or been stranded within the last 200 years. It is only the wreckage of UK military aircraft and vessels that can be designated as a controlled site if in international waters.

Section 2(1)(a) in relation to a controlled site, it is an offence to tamper with, damage, move or unearth remains; enter any hatch or other opening in any of the remains which enclose any part of the interior of an aircraft or vessel (or cause or permit another to do so) (see subsection (2)).

Section 2(1)(c) in relation to a controlled site, it is an offence for a person to knowingly take part in, or cause or permit another to take part in, the carrying out of an excavation or diving or salvage operation which is prohibited by subsection (3)(a) and (c). That is (a) if it is carried out at a controlled site for the purpose of investigating or recording details of any remains of an aircraft or vessel in that place; and (c) in the case of an excavation, if it is carried out for the purpose of discovering whether any place in the UK or UK waters comprises any remains of an aircraft or vessel which has crashed sunk or been stranded while in military service.

Section 2(1) (d) it is also an offence in a controlled site to knowingly use, or cause or permit another to use, any equipment in connection with the carrying out of any such excavation or operation.

The Secretary of State has the power to grant a license permitting these prohibited acts (section 4).

An offence under section 2 is triable either way. A person convicted of any offence under section is liable:

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on indictment to a fine

(see section 2(7)).

All notifiable offences – Home Office Code 99/99 other notifiable.

Other specific heritage crime offences not related to particular designations

Merchant Shipping Act 1995

The main task of the Receiver of Wreck is to process incoming reports of wreck in the interest of both the salvor and the owner. This involves researching ownership, liaising with the finder and the owner and other interested parties such as archaeologists and museums.

Any wreck material found in UK territorial waters or outside the UK but brought within UK territorial waters must be reported to the Receiver of Wreck under section 236 of the Merchant Shipping Act 1995. All wreck material must be reported however small or seemingly insignificant. The type of material reported can include for example portholes, bells, plates, fixtures and fittings, bundles of wood, hatch covers and archaeological material such as medieval pots, gold coins, cannon etc often recovered from ship wrecks.

Section 236(1) provides that if any person finds or takes possession of any wreck in UK waters or outside UK waters and brings it within those waters they must –

- (a) if they are the owner of it give notice to the receiver stating that they have found or taken possession of it and describing the marks by which it may be recognised;
- (b) if they are not the owner of it, give notice to the receiver that they have found or taken possession of it, and as directed by the receiver, either hold it to the receiver's order or deliver it to the receiver.

It is a criminal offence under section 236(2) to fail to comply with this duty to give notice and a person convicted of an offence under this section is liable on summary conviction to fine not exceeding level 4 on the standard scale. Further if they are not the owner of the wreck they must forfeit any claim to it and be liable to pay twice the value of the wreck to the owner, if it is claimed, or to the person entitled to the wreck if unclaimed.

The Merchant Shipping Act 1995 together with the Protection of Wrecks Act 1973 and the Protection of Military Remains Act 1986 are the three main laws which apply to shipwrecks.

Not notifiable. Record as an incident.

Dealing in Cultural Objects (Offences) Act 2003-

The unauthorised removal and trade of objects of historical, architectural or archaeological interest from historic buildings or sites of archaeological interest:

Section 1 dishonestly dealing in a tainted cultural object knowing or believing that the object is tainted.

A 'cultural object' is defined as an object of historical, architectural or archaeological interest. A cultural object is 'tainted' if a person removes (includes excavation) the object after (30 December 2003) from a building, structure or monument of historical, architectural or archaeological interest in the UK or elsewhere. The removal or excavation must constitute an offence either under UK or foreign law (see section 2).

A person 'deals' if he acquires, disposes of, imports or exports the object or makes arrangements for another to do those acts (see section 3).

An offence under section 1 is triable either way. A person convicted of an offence under this section is liable:

(a) on summary conviction to a fine not exceeding the statutory maximum, or to a maximum of 6 months imprisonment or to both; or

(b) on indictment to a fine, or to a maximum of 7 years imprisonment or to both.

(see section 1(3)).

Notifiable offence – Home Office Code 98/99 other notifiable.

Treasure Act 1996 –

Section 8(3) the finder of an object which believes or has reasonable grounds for believing is treasure, fails to notify the coroner for the district within 14 days of the find.

'Treasure' is defined in section 1 of the Act.

An offence under section 8(3) is summary only. A person convicted of an offence under this section is liable to a fine not exceeding level 5 or to a maximum term of imprisonment of 3 months or both.

Not notifiable. Record as an incident.

Town and Country Planning Act 1990 –

Where there has been a breach of planning control (development without planning permission) or contravention of a condition attached to a planning consent, the 1990 Act contains a number of enforcement provisions which are exercisable by the local planning authority to secure compliance.

It is worth noting here that these powers of enforcement might be applicable where a breach of heritage legislation is also a breach of planning control under the 1990 Act.

Appendix 3: Scheduled Monuments

[This is a template of a Witness/Impact Statement for Heritage Crime which can be adapted to suit particular circumstances. The paragraphs in square brackets may not be required in every case. It is expected that the sections headed “*The Significance of...*” and “*The Impact of...*” will always be required as they are the most important part of the statement.]

Witness Statement

Criminal Justice Act 1967 s9
Magistrates’ Courts Act 1980 ss 5A(3)(a) and 5B Criminal
Procedure Rules r27.1(1)

Statement of: []

Age of witness: Over 18

Occupation of witness: []

This statement, consisting of [] pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature [] dated the [] day of [] 20[]

Qualifications and Experience

My name is *[insert name of witness]* and I have worked for [The Historic Buildings and Monuments Commission for England *(if appropriate)* or *other employment details*] as an *[insert job title]* for *[period of employment]*. My duties include *[insert main duties]*.

I hold a *[insert qualifications]* from *[insert University/Institute]*. I have gained experience through work with *[set out experience]*.

Signed.....

[If an Historic England employee include:

The Historic Buildings and Monuments Commission for England uses the name 'Historic England' in all its day to day dealings and any reference to Historic England should be construed accordingly. Historic England is the lead body on all matters relating to the historic environment generally. It advises the Secretary of State for Culture Media and Sport on the historic environment including the scheduling of ancient monuments under the Ancient Monuments and Archaeological Areas Act 1979 (the 1979 Act). It is also a statutory consultee for planning applications that are likely to affect scheduled monuments. Its role is to champion the interests of this valuable resource by providing advice and encouraging people to preserve, value, understand and enjoy our common heritage.]

Background

I am aware of the investigation by [] into [] at [] which took place on [].

[insert any other relevant background information that has led to this statement being prepared]

I have been asked to provide this witness statement on the heritage crime impact, in support of the investigation.

[The framework for the scheduling and protection of archaeological sites

Monuments and sites of archaeological or historic interest represent a unique source of information about the lives of our ancestors and how they adapted to and changed their environment. They are a finite, irreplaceable and fragile resource, vulnerable to damage and destruction through a wide range of human activities and natural processes.

'Scheduling' is the process through which nationally important sites and monuments of archaeological and historic interest are given legal protection through designation. Under the 1979 Act the Secretary of State for the Department of Culture Media and Sport, has a duty to compile and maintain a list of monuments which should be included within the schedule. Historic England is statutory consultee on the designation of monuments and takes the lead on identifying sites in England that should be considered by the Secretary of State for inclusion in the schedule.

Signed.....

Once a monument is included in the schedule it has statutory protection under the 1979 Act. Permission is required from the Secretary of State (known as scheduled monument consent) before any works are carried out which would have the effect of demolishing, destroying, damaging, removing, altering, adding to, flooding or tipping on the monument, ensuring that the case for preservation is fully considered when works are proposed. Scheduled monument consent for works that would result in material loss is wholly exceptional.

It is a criminal offence to carry out works to a scheduled monument without this consent. The Act also makes it a criminal offence to destroy or damage a scheduled monument and to use a metal detector and/or remove any object of archaeological or historical interest which has been discovered by the use of a metal detector in a scheduled monument.

Scheduling is discretionary and, as stated above, it is only those sites and monuments that are of national importance that may be considered for designation.

The Secretary of State has published a policy statement on the non-statutory criteria used for determining whether a monument or site is of national importance. The criteria is set out in annex 1 of that policy statement '*Identifying, Protecting, Conserving and Investigating nationally important archaeological sites under the Ancient Monuments and Archaeological Areas Act 1979*'.

[These include period, rarity, documentation, group value, survival/condition, fragility/vulnerability, diversity and potential. (*You may wish to include this here or undersignificance below*)] I produce a copy of this document as exhibit [].

The purpose of designation is to capture a representative sample of our nationally important archaeological resource where designation is deemed to be the most appropriate mechanism to secure their long-term preservation for this and future generations. Designation secures their legal protection in the national interest and their long term preservation in situ, as far as possible in the state in which they have come down to us. It also ensures that the significance of these sites is given due regard in the planning system.

There are currently approximately 20,000 scheduled monuments in England which is just a small percentage of the many thousands of the nationally important archaeological sites and monuments in England.]

Signed.....

The Significance of *[scheduled monument name]*

[name of monument, location and, monument no.] is a nationally important scheduled monument designated under the 1979 Act.

The scheduling documentation including the description and map are exhibited to the witness statement of *[name of witness]* dated *[date]* as exhibits *[exhibit numbers]*

[include here a description of the monument and its importance, including local, national and where appropriate international importance. Reference can be made to heritage values – Historic England guidance, Conservation Principles.]

The impact of the *[unauthorised works/unauthorised metal detecting/damage/or other crime]*

[set out what you understand to have happened and the impact of that criminal activity to the asset and its setting including any harm/loss to its significance.]

I am willing to attend court if required to do so.

Signed.....

Appendix 4: Listed Buildings

[This is a template of a Witness/Impact Statement which can be adapted to suit particular circumstances. The paragraphs in square brackets may not be required in every case. It is expected that the sections headed “*The Significance of...*” and “*The Impact of....*” will always be required as they are the most important part of the statement.]

Witness Statement

Criminal Justice Act 1967 s9
Magistrates’ Courts Act 1980 ss 5A(3)(a) and 5B Criminal
Procedure Rules r27.1(1)

Statement of: []

Age of witness: Over 18

Occupation of witness: []

This statement, consisting of [] pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature dated the [] day of [] 20[]

Qualifications and Experience

My name is [*insert name of witness*] and I have worked for [The Historic Buildings and Monuments Commission for England (*if appropriate*) or *other employment details*] as an [*insert job title*] for [*period of employment*]. My duties include [*insert main duties*].

I hold a [*insert qualifications*] from [*insert University/Institute*]. I have gained experience through work with [*set out experience*].

Signed.....

[If an Historic England employee include:

The Historic Buildings and Monuments Commission for England uses the name 'Historic England' in all its day to day dealings and any reference to Historic England should be construed accordingly. Historic England is the lead body on all matters relating to the historic environment generally. It advises the Secretary of State for Culture Media and Sport on the historic environment generally including the listing of buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990. It is also a statutory consultee for certain listed building consent and planning applications. Its role is to champion the interests of this valuable resource by providing advice and encouraging people to preserve, value, understand and enjoy our common heritage.]

Background

I am aware of the investigation by [] into [] at [] which took place on [].

[insert any other relevant background information that has led to this statement being prepared]

I have been asked to provide this witness statement on the heritage crime impact, in support of the investigation.

[The framework for the protection of listed buildings

Listed Buildings are buildings of special architectural or historic interest which appear on lists compiled or approved by the Secretary of State under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).

The Principles of Selection for Listed Buildings sets out the general principles the Secretary of State applies when deciding whether a building is of special architectural or historic interest. Buildings may be considered of special architectural interest for their architectural design, decoration, plan form, craftsmanship and also nationally important examples of particular building types and techniques. To have historic interest a building must illustrate important aspects of England's social, economic, cultural or military history and/or, have close historical associations with nationally important people and normally have some quality of interest in its physical fabric. When listing a building the Secretary of State may also take into account a building's group value.

Signed.....

Listed buildings are buildings of national importance that are graded to reflect their relative architectural and historic importance as follows: Grade I (exceptional interest and sometimes to be considered internationally important), Grade II* (particularly important buildings of more than special interest) and Grade II (buildings of special interest justifying every effort to preserve them).

Listing helps us acknowledge and understand our shared history. It marks and celebrates a building's special architectural and historic interest. Further under the 1990 Act, listed status protects a building against unauthorised demolition, alteration and extension controlled through the listed building consent approval system which provides criminal sanctions for failure to comply. Designation also ensures that a building's special interest is taken into account in the planning process.

These buildings of special architectural or historic interest are a fragile, finite and irreplaceable resource vulnerable to damage and destruction through a wide range of human activities, including crime, and natural processes.

There are currently approximately 500,000 listed buildings in England.]

The Significance of *[name of listed building]*

[Name of listed building and address] is a nationally important listed building designated under the 1990 Act.

Evidence of the designation is exhibited to the witness statement of *[name of witness]* dated *[date]* as exhibit *[exhibit number]* *[or it can be exhibited to this statement if not produced by another witness]*.

[include here a description of the listed building and its importance, including local, national and where appropriate international importance. Reference can be made here to heritage values – Historic England guidance, Conservation Principles.]

The impact of the *[unauthorised works/damage/or other crime]*

[set out what you understand to have happened and the impact of that criminal activity to the asset and its setting including any harm/loss to its significance.]

I am willing to attend court if required to do so.

Signed.....

Appendix 5: Protected Wrecks

[This is a template of a Witness/Impact Statement for Heritage Crime which can be adapted to suit particular circumstances. The paragraphs in square brackets may not be required in every case. It is expected that the sections headed “*The Significance of...*” and “*The Impact of....*” will always be required as they are the most important part of the statement.]

Witness Statement

Criminal Justice Act 1967 s9
Magistrates’ Courts Act 1980 ss 5A(3)(a) and 5B Criminal
Procedure Rules r27.1(1)

Statement of: []

Age of witness: Over 18

Occupation of witness: []

This statement, consisting of [] pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature dated the [] day of [] 20[]

Qualifications and Experience

My name is [*insert name of witness*] and I have worked for [*The Historic Buildings and Monuments Commission for England (if appropriate)*] as an [*insert job title*] for [*period of employment*]. My duties include [*insert main duties*].

I hold a [*insert qualifications*] from [*insert University/Institute*]. I have gained experience through work with [*set out experience*].

Signed.....

If an Historic England employee include:

The Commission uses the name ‘Historic England’ in all its day to day dealings and any reference to Historic England should be construed accordingly. Historic England is the lead body on all matters relating to the historic environment generally. It advises the Secretary of State for Culture Media and Sport on the historic environment including the designation of shipwreck sites under the Protection of Wrecks Act 1973 (the 1973 Act). Its role is to champion the interests of this valuable resource by providing advice and encouraging people to preserve, value, understand and enjoy our common heritage.]

Background

I am aware of the investigation by [] into [] at [] which took place on [].

[insert any other relevant background information that has led to this statement being prepared]

I have been asked to provide this witness statement on the heritage crime impact in support of the investigation.

[The framework for the designation and protection of wrecks.

Shipwreck sites, both designated and non-designated represent a unique source of information about the diverse maritime heritage surrounding the UK. They are a finite, irreplaceable and fragile resource, vulnerable to damage and destruction through a wide range of human activities and natural processes.

If the Secretary of State is satisfied a wreck site should be protected from unauthorised interference, he or she may designate an area around the site as restricted. A Statutory Instrument identifies the location of the site and also the extent of the restricted area used to ensure the protection of the site. Historic England offers advice to the Secretary of State and acts as an authoritative organisation in managing and protecting the sites.

Signed.....

In a restricted area it is an offence to carry out or cause or permit others to carry out various activities without a licence granted by the Secretary of the State including tampering with, damaging or removing part of a vessel and exploration. Licence applications are processed by Historic England who then provides the Secretary of State with the necessary information for the licence to be approved.

[Historic England has published a document called 'Protected Wreck Sites' explaining the non-statutory criteria used to assess the significance of a wreck site which is considered for designation. This document is produced as exhibit [].

The purpose of designation is to capture a representative sample of our nationally important archaeological resource where designation is deemed to be the most appropriate mechanism to secure their long-term preservation for this and future generations. There are currently 46 designated wreck sites in England which is just a small percentage of the many hundreds of the known wreck sites on English coastline and in our seas.]

The Significance of [*Protected Wreck Site Name*]

[*name of wreck.*] is a nationally important wreck site designated under the 1973 Act.

The designation documentation including the description and map are exhibited to the witness statement of [name of witness] dated [date] as exhibits [exhibit numbers]. [*Alternatively exhibit to this statement if not exhibited elsewhere.*]

[*include here a description of the wreck and its importance, including local, national and where appropriate international importance. Reference can be made to heritage values – Historic England guidance, Conservation Principles.*]

The impact of the [*unauthorised diving/unauthorised access/damage/or other crime*]

[*set out what you understand to have happened and the impact of that criminal activity to the asset and its setting including any harm/loss to its significance.*]

I am willing to attend court if required to do so.

Signed.....

Appendix 6: Conservation Areas

[This is a template of a Witness/Impact Statement for Heritage Crime which can be adapted to suit particular circumstances. The paragraphs in square brackets may not be required in every case. It is expected that the sections headed “*The Significance of...*” and “*The Impact of....*” will always be required as they are the most important part of the statement.]

Witness Statement

Criminal Justice Act 1967 s9
Magistrates’ Courts Act 1980 ss 5A(3)(a) and 5B Criminal
Procedure Rules r27.1(1)

Statement of: []

Age of witness: Over 18

Occupation of witness: []

This statement, consisting of [] pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature [] dated the [] day of [] 20[]

Qualifications and Experience

My name is [*insert name of witness*] and I have worked for [The Historic Buildings and Monuments Commission for England (*if appropriate*) or *other employment details*] as an [*insert job title*] for [period of employment]. My duties include [*insert main duties*].

I hold a [*insert qualifications*] from [*insert University/Institute*]. I have gained experience through work with [*set out experience*].

Signed.....

[If an Historic England employee include:

The Historic Buildings and Monuments Commission for England uses the name 'Historic England' in all its day to day dealings and any reference to Historic England should be construed accordingly. Historic England is the lead body on all matters relating to the historic environment generally and advises the Secretary of State for Culture Media and Sport on the historic environment. It is a statutory consultee on some planning applications that affect conservation areas. Its role is to champion the interests of this valuable resource by providing advice and encouraging people to preserve, value, understand and enjoy our common heritage.]

Background

I am aware of the investigation by [] into [] at [] which took place on [].

[insert any other relevant background information that has led to this statement being prepared]

I have been asked to provide this witness statement on the heritage crime impact in support of the investigation.

Conservation Areas

Conservation areas are designated under sections 69 and 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The purpose of designation is to provide a broader form of protection beyond protection for an individual building. It recognises that historic buildings and architecturally interesting buildings do not exist in a vacuum but are part of an urban or rural context providing a setting for them, which may itself have a special character or appearance. It recognises that areas can have special architectural and historic interest. They may be areas with a high number of nationally designated heritage assets, a variety of architectural styles and historic associations. Others may be more homogenous, linked to an industry or have a particular local interest. Some are designated because of the quality of the public realm or green spaces. Designation is not tied to areas where there are listed buildings, they may be designated anywhere that has a special architectural or historic interest. Designation also provides protection for buildings within conservation areas from unauthorised demolition and ensures that the significance of these areas are given due regard in the planning system.

Signed.....

Most conservation areas are designated by local planning authorities. There are currently over 8,000 conservation areas in England ranging from town centres of historic towns and cities, fishing and mining villages to model housing estates.

These areas of architectural or historic interest are an important resource for us and future generations often having a national as well as a local interest. This unique source of information is a finite, irreplaceable and fragile resource, vulnerable to damage and destruction through a wide range of human activities, including crime, and natural processes.

The Significance of *[name of Conservation area]*

[name and location of Conservation area] is a conservation area of special architectural or historic interest designated by *[name of local authority]*.

I produce as exhibit *[initials of witness/1]* a copy of the conservation area map and conservation area appraisal.

[include here a description of the conservation and its importance, including local, national importance. Reference can be made here to heritage values – Historic England guidance, Conservation Principles.]

The impact of the *[crime type/illegal activity]*

[Set out what you understand to have happened and the impact of that criminal activity to the asset and its setting including any harm/loss to significance.]

I am willing to attend court if required to do so.

Signed.....

Appendix 7: Battlefields

[This is a template of a Witness/Impact Statement for Heritage Crime which can be adapted to suit particular circumstances. The paragraphs in square brackets may not be required in every case. It is expected that the sections headed “*The Significance of...*” and “*The Impact of.....*” will always be required as they are the most important part of the statement.]

Witness Statement

Criminal Justice Act 1967 s9
Magistrates’ Courts Act 1980 ss 5A(3)(a) and 5B Criminal
Procedure Rules r27.1(1)

Statement of: []

Age of witness: Over 18

Occupation of witness: []

This statement, consisting of [] pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature dated the [] day of [] 20[]

Qualifications and Experience

My name is [*insert name of witness*] and I have worked for [The Historic Buildings and Monuments Commission for England (*if appropriate*) or *other employment details*] as an [*insert job title*] for [*period of employment*]. My duties include [*insert main duties*].

I hold a [*insert qualifications*] from [*insert University/Institute*]. I have gained experience through work with [*set out experience*].

Signed.....

[If an Historic England employee include:

The Historic Buildings and Monuments Commission for England uses the name 'Historic England' in all its day to day dealings and any reference to Historic England should be construed accordingly. Historic England is the lead body on all matters relating to the historic environment generally and advises the Secretary of State for Culture Media and Sport on the historic environment. Its role is to champion the interests of this valuable resource by providing advice and encouraging people to preserve, value, understand and enjoy our common heritage.]

Background

I am aware of the investigation by [] into [] at [] which took place on [].

[insert any other relevant background information that has led to this statement being prepared]

I have been asked to provide this witness statement on the heritage crime impact in support of the investigation.

[Registered Battlefields

Battlefield sites which appear to Historic England to be of special historic interest may be entered by Historic England onto its Register of Historic Battlefields under powers conferred by the Historic Buildings and Ancient Monuments Act 1953 (as amended). The purpose of registration is to ensure that the significance of these sites is given due regard in the planning system and to promote a better understanding of their significance.

The register currently identifies 43 battlefields being the most important military battles on English soil. They range in date from 991 (Maldon) to 1685 (Sedgemoor), representing many different phases in our history.

Signed.....

Battlefields are significant in four ways:

1. As turning points in English history;
2. The tactics and skills of war still relevant to the defence of the country today, evolved on historic battlefields;
3. They are the final resting place of thousands of unknown soldiers, nobles and commoners alike, whose lives were sacrificed in the making of the history of England; and
4. Where they survive, battlefields may contain important topographical and archaeological evidence which can increase our understanding of the momentous events of history which took place on their soil.

These sites of archaeological and historic interest represent a unique source of information that is a finite, irreplaceable and fragile resource, vulnerable to damage and destruction through a wide range of human activities and natural processes.]

The Significance of *[name of Battlefield]*

[name and location of battlefield] is a battlefield of special historic interest registered on the Historic England Register of Historic Battlefields.

I produce as exhibit *[initials of witness/1]* a copy of the Historic England battlefield report. I also produce as exhibit *[initials of witness/2]* a map showing its location.

[include here a description of the battlefield and its importance, including local, national and where appropriate international importance. Reference can be made to heritage values – Historic England guidance, Conservation Principles.]

The impact of the *[crime type/illegal activity]*

[Set out what you understand to have happened and the impact of that criminal activity to the asset and its setting including any harm/loss to significance.]

I am willing to attend court if required to do so.

Signed.....

Appendix 8: Registered Parks and Gardens

[This is a template of a Witness/Impact Statement for Heritage Crime which can be adapted to suit particular circumstances. The paragraphs in square brackets may not be required in every case. It is expected that the sections headed “*The Significance of...*” and “*The Impact of....*” will always be required as they are the most important part of the statement.]

Witness Statement

Criminal Justice Act 1967 s9
Magistrates’ Courts Act 1980 ss 5A(3)(a) and 5B Criminal
Procedure Rules r27.1(1)

Statement of: []

Age of witness: Over 18

Occupation of witness: []

This statement, consisting of [] pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature dated the [] day of [] 20[]

Qualifications and Experience

My name is [*insert name of witness*] and I have worked for [The Historic Buildings and Monuments Commission for England (*if appropriate*) or other employment details] as an [*insert job title*] for [*period of employment*]. My duties include [*insert main duties*].

I hold a [*insert qualifications*] from [*insert University/Institute*]. I have gained experience through work with [*set out experience*].

Signed.....

[If an Historic England employee include:

The Historic Buildings and Monuments Commission for England uses the name 'Historic England' in all its day to day dealings and any reference to Historic England should be construed accordingly. Historic England is the lead body on all matters relating to the historic environment generally. It advises the Secretary of State for Culture Media and Sport on the historic environment. Its role is to champion the interests of this valuable resource by providing advice and encouraging people to preserve, value, understand and enjoy our common heritage.]

Background

I am aware of the investigation by [] into [] at [] which took place on [].

[insert any other relevant background information that has led to this statement being prepared]

I have been asked to provide this witness statement on the heritage crime impact in support of the investigation.

[Registered Parks and Gardens

Parks and gardens assessed by Historic England to be of special historic interest may be added onto its Register of Historic Parks and Gardens of Special Historic Interest in England under powers conferred by the Historic Buildings and Ancient Monuments Act 1953 (as amended). The main purpose of the Register of Parks and Gardens is to identify those parks and gardens which are of a high level of historic interest in the context of England's cultural heritage, and to encourage owners and others to appreciate, maintain, repair and enhance such sites. Entry on the register also ensures that due regard is given to the significance of these areas in the planning system.

The emphasis of the register is on designed landscapes such as gardens, grounds and other planned open spaces, such as town squares rather than on planting or botanical importance. They include designed landscapes of all ages right up to the fairly recent past.

Signed.....

The register currently identifies over 1,600 sites assessed to be of national importance in England. These sites are divided into three grades to give added guidance on significance. Grade I sites are of exceptional interest; Grade II* sites are of particular importance, being more than special interest; and Grade II sites are of special interest warranting every effort to preserve them.

Historic parks and gardens represent a fragile, finite and irreplaceable resource, vulnerable to damage and destruction through a wide range of human activities, including crime, and natural processes. From town gardens, cemeteries and public parks to the great country estates, such places are an important, distinctive and much cherished part of our heritage.]

The Significance of *[name of park or garden]*

[name and location of park or garden and list number] is a nationally important park/garden registered on the Historic England Register of Historic Parks and Gardens of Special Historic Interest in England.

I produce as exhibit *[initials of witness]*/1 a copy of the Historic England register entry and map for *[park/garden]*. I also produce as exhibit *[initials of witness]*/2 a map showing its location.

[include here a description of the park/garden and its importance, including local, national and where appropriate international importance. Reference can be made to heritage values – Historic England guidance, Conservation Principles.]

The impact of the *[crime type/illegal activity]*

[set out what you understand to have happened and the impact of that criminal activity to the asset and its setting including any harm/loss to its significance.]

I am willing to attend court if required to do so.

Signed.....

Appendix 9: Military Remains

[This is a template of a Witness/Impact Statement for Heritage Crime which can be adapted to suit particular circumstances. The paragraphs in square brackets may not be required in every case. It is expected that the sections headed “The Significance of...” and “The Impact of.....” will always be required as they are the most important part of the statement.]

Witness Statement

Criminal Justice Act 1967 s9
Magistrates’ Courts Act 1980 ss 5A(3)(a) and 5B Criminal
Procedure Rules r27.1(1)

Statement of: []

Age of witness: Over 18

Occupation of witness: []

This statement, consisting of [] pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature dated the [] day of [] 20[]

Qualifications and Experience

My name is [insert name of witness] and I have worked for [name of employer] as an [insert job title] for [period of employment]. My duties include [insert main duties].

I hold a [insert qualifications] from [insert University/Institute]. I have gained experience through work with [set out experience].

Signed.....

Background

I am aware of the investigation by [] into [] at [] which took place on [].

[insert any other relevant background information that has led to this statement being prepared]

I have been asked to provide this witness statement on the heritage crime impact in support of the investigation.

[Protection of Military Remains Act 1986

The Protection of Military Remains Act 1986 secures the protection from unauthorised interference of the remains of military aircraft and vessels that have crashed, sunk or been stranded. The Act allows for two types of protection for military remains namely 'Protected Places' and 'Controlled sites'.

[A 'Protected Place' is a place which comprises the remains of an aircraft which has crashed whilst in military service and vessels designated by the Secretary of State that have sunken or been stranded whilst in military service after 4th August 1914, on or in the sea bed or the place or immediate vicinity of the place where the remains were left by the crash, sinking or stranding of that aircraft or vessel. This applies to crashed, sunken or stranded aircraft and designated vessels of any nationality in the UK and UK waters but only aircraft or vessels belonging to the UK in international waters.

A 'Controlled Site' is an area designated by the Secretary of State which appears to contain a place comprising the remains of a crashed military aircraft or a vessel which has sunk or been stranded within the last two hundred years. Again, this designation applies to crashed, sunken or stranded aircraft and vessels of any nationality in the UK and UK waters but only aircraft or vessels belonging to the UK in international waters.]

It is a criminal offence to carry out (or cause or permit another to do so) certain activities in Protected Places and Controlled Sites without a licence from the Secretary of State. Such activities include tampering with, damaging, moving or unearthing remains, entering any hatch or other opening in any remains enclosing the interior of an aircraft or vessel. Also, excavation, diving and salvage operations at these sites for certain specified purposes will also require a licence (sections 2 and 3 of the 1986 Act).]

Signed.....

[The United Kingdom's policy with regard to its sunken military craft.

The United Kingdom's approach is in the main to treat such wrecks as being the last resting places of those who lost their lives in the ship's sinking; accordingly as a general principle we believe that such sites should remain undisturbed to the maximum extent possible.

With regard to the protection of sunken warships, military aircraft and other sunken Government property, the UK's position is as set out in the following communication from the UK Foreign and Commonwealth Office, July 4th 2003:

"Under international law, warships, naval auxiliaries, and other vessels or aircraft owned or operated by a State and used only on government non-commercial service ("State vessels and aircraft") enjoy sovereign immunity. State vessels and aircraft continue to enjoy sovereign immunity after sinking, unless they were captured by another state prior to sinking or the flag State has expressly relinquished its rights. The flag State's rights are not lost merely by the passage of time. Further many sunken State vessels and aircraft are maritime graves, which should be respected. No intrusive action may be taken in relation to the United Kingdom's sovereign immune State vessels and aircraft without the express consent of the United Kingdom."

The Significance of [Protected Place or Controlled Site]

[Name of Protected Place or Controlled Site] is a [Protected Place/Controlled Site] under the Protection of Military Remains Act 1986.

[For Controlled Sites or Protected Places comprising a designated vessel include a copy of the statutory instrument designating the place or site and for both include the location].

[Include here a description of the site or place and its importance, including local, national and where appropriate international importance].

The impact of the [unauthorised diving/unauthorised access/damage/or other crime]

Set out what you understand to have happened and the impact of that criminal activity to the site or place including any harm/loss to its significance.]

I am willing to attend court if required to do so.

Signed.....

Appendix 10: Example of Heritage Crime Impact Statement

Witness Statement

Criminal Justice Act 1967 s9
Magistrates' Courts Act 1980 ss 5A(3)(a) and 5B Criminal
Procedure Rules r27.1(1)

Statement of: John Smith
Age of witness: Over 18
Occupation of witness: Conservation Officer

This statement, consisting of [] pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature dated the [] day of [] 20[]

Qualifications and Experience

My name is John Smith and I have worked for Darkwood District Council as a Historic Environment Conservation Officer for 10 years. I am responsible for advising the District Council on and promoting the conservation of the historic environment in particular its long term care, preservation and enhancement. My main duties include advising on planning and consent applications which affect historic buildings and sites, and identifying and producing appraisals for important historic assets.

I hold a BA (Hons) in Architectural Conservation and Post Graduate Diploma in Historic Environment Conservation from Southways University. I am a qualified Conservation Officer, and am a member of the Institute of Historic Building Conservation.

Signed.....*John Smith*.....

Background

I am aware of the investigation by Darkdale Police into the theft of lead from St Mary's Church, Darkwood, a Grade II listed building, which took place on 25th September 2012.

I have been asked to provide this witness statement on the heritage crime impact, in support of the investigation.

The framework for the protection of listed buildings

Listed Buildings are buildings of special architectural or historic interest which appear on lists compiled or approved by the Secretary of State under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).

The Principles of Selection for Listed Buildings sets out the general principles the Secretary of State applies when deciding whether a building is of special architectural or historic interest. Buildings may be considered of special architectural interest for their architectural design, decoration, plan form, craftsmanship and also nationally important examples of particular building types and techniques. To have historic interest a building must illustrate important aspects of England's social, economic, cultural or military history and/or, have close historical associations with nationally important people and normally have some quality of interest in its physical fabric. When listing a building the Secretary of State may also take into account a building's group value.

Listed buildings are buildings of national importance that are graded to reflect their relative architectural and historic importance as follows: Grade I (exceptional interest and sometimes to be considered internationally important), Grade II* (particularly important buildings of more than special interest) and Grade II (buildings of special interest justifying every effort to preserve them).

Listing helps us acknowledge and understand our shared history. It marks and celebrates a building's special architectural and historic interest. Further under the

1990 Act, listed status protects a building against unauthorised demolition, alteration and extension controlled through the listed building consent approval system which provides criminal sanctions for failure to comply. Designation also ensures that a building's special interest is taken into account in the planning process.

There are currently approximately 500,000 listed buildings in England.

Signed.....*John Smith*.....

The Significance of St Mary's Church

The Roman Catholic Church of St Mary's Church, Church Lane, Darkwood is a nationally important listed building designated under the 1990 Act.

It was designated as a Grade II listed building on 23rd June 1997 being a building of special interest justifying every effort to preserve. I produce as exhibit JS/1 a copy of the list entry and description for this listed building.

St Mary's church dates from between 1873 and 1880 by Gerald Stone. It is constructed of buff sandstone with a grey slate roof. It has a continuous aisled nave and sanctuary, liturgical orientation reversed. The west facing front of the church is symmetrical with a projecting nave-width porch which has a pair of boarded doors with a statue of St Mary on a column between a pair of lancets in a recessed arch to each side of the statue. The porch is gabled with a gabled parapet to each side- wall. The gabled west end of the nave has triple lancets flanked by flat gabled buttresses. Inside, it has alternating round and octagonal columns with rich foliar capitals, a boarded wagon roof with trusses having stop-chamfered ties and octagonal posts.

The church is also situated in Woodbridge Village Conservation Area. It is an important local landmark within the village and its wider setting. Historic England recently provided grant funding towards repairs to the church roof.

The church has been the recipient of a blue plaque from Darkwood Civic Society commemorating the works of its architect Gerald Stone.

The impact of the lead theft

Lead sheet has a long and esteemed history, being one of the oldest and most durable roofing materials. Lead was in use by 3,000 BC and it was used in Roman times to form water pipes and baths. In the Medieval period lead was used for roofing, cisterns, tanks and gutters. Lead is a soft, malleable and reusable metal which can be shaped with hand tools without risk of fracture. The main use of lead in local historic buildings is for roofs, flashings, down pipes, gutters and rainwater heads. Properly specified and detailed it can last for 150 to 200 years

Signed.....*John Smith*.....

The theft of lead from historic buildings creates a number of problems:

1. There is the cost of replacement and associated repairs which can be considerable, requiring the skills and expertise of specialist contractors;
2. In removing the lead sheet, or flashings the sub-strate is often damaged;
3. The surrounding roofing materials to the flashings (such as tiles and slates) are also damaged during the theft;
4. Guttering and down pipes are broken or cracked during the process of removing the lead;
5. The theft of a lead roof can cause major damage to the fabric of a listed building.

Maintaining roofs, clearing valleys and guttering is an essential part of conserving heritage assets such as listed buildings, and vital to keeping them in good order. If damage goes unnoticed for any period of time the resulting water ingress can cause serious problems to the building. Even over the course of one or two days after the removal of lead, the damage that can be caused by water penetration can be very serious, ruining ceilings, decorations and flooring. If flashings are removed but the theft is not immediately apparent then roof valleys and abutments can leak for weeks or months. This longer timescale of water ingress can create conditions for wet rot and dry rot, which have the potential to affect the structural stability of the building, which again can be very expensive to repair.

In cases where lead sheet has been removed, the sub-strate also has to be repaired and any underlay replaced. To re-fix flashings several courses of slates/stiles have to be lifted, the flashings laid and the tiles re-fixed. Even if the slates were not damaged during the theft of lead, it is possible that disturbing them in order to relay the lead could cause them to split requiring them to be replaced.

In the case of St Mary's church a length of approximately 30 metres of lead flashing has been removed from the south side of the church. I produce a photograph of this damaged area as exhibit JS/2. I also produce as exhibit JS/3 a photograph of the north side of the Aisle which shows the flashing intact for comparison.

There has also been considerable damage to the surrounding roof slates which will require replacement along with the lead flashing. This can also be seen in exhibit JS/2.

Signed.....*John Smith*.....

The fact that lead flashing has been installed at this point of the building indicates the vulnerability of structure here, joining the aisles to the main body of the church. Water will no longer be diverted down the slope of the roof, but will instead enter the building, risking damage to the good quality timber boarded ceiling internally, as well as damaging the plaster work and potential water staining to the sandstone columns.

The disruption and expense caused to the church will far outweigh the cost received from the sale of the stolen lead. It is estimated that the cost to engage specialist contractors to replace and repair the stolen lead flashing and replace the surrounding roof slate may be a factor in the region of 10-15 times greater than the value of the lead itself.

An increasing issue is that the principal companies who provide buildings insurance for churches are starting to restrict the number of times they will pay out for claims relating to lead theft. This is obviously a concern as most parishes do not have the reserves to pay for this type of work themselves, meaning that the damage could go unrepaired for greater lengths of time whilst funds are raised.

It is also becoming a problem that churches are understandably reluctant to continue to use lead, given that theft is often reoccurring, preferring lead substitutes which have a significantly shorter life span (maybe only a tenth of that of lead) and differs visually. The continued theft of lead therefore has much wider repercussions, potentially leading to inferior materials being used, reducing the buildings future resilience to decay as well as altering the visual appearance, which many have striven hard to protect.

I am willing to attend court if required to do so.

Signed.....*John Smith*.....

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HEAG190

Publication date: v1.0 May 2013 © Historic England

Reissue date: v1.2 February 2018 © Historic England

Design: Historic England