



ENGLISH HERITAGE

CONSULTATION DRAFT (11 July 2014)

HISTORIC ENVIRONMENT GOOD PRACTICE ADVICE IN PLANNING

Note 1: The Historic Environment in Local Plans

Introduction

1 The purpose of this English Heritage Good Practice Advice note is to provide information on good practice to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the National Planning Practice Guide (PPG). This good practice advice therefore supports the implementation of national policy, but does not constitute a statement of Government policy itself, nor does it seek to prescribe a single methodology or particular data sources. Alternative approaches may be equally acceptable, provided they are demonstrably compliant with national policies and objectives.

NPPF requirements

2 The NPPF sets out in various different places a number of requirements for Local Plans in respect of the historic environment. Local Plans need to:

1. be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area – which would include the historic environment. In particular this up-to-date evidence should be used to assess the significance of heritage assets and the contribution they make to the environment¹;
2. set out a positive and clear strategy for the conservation and enjoyment of the historic environment²;
3. contain strategic policies to deliver the conservation and enhancement of the historic environment³; and
4. consider whether the Local Plan needs to identify land where development would be inappropriate because of its (environmental or) historic significance⁴.

Gathering evidence

¹ NPPF Paragraphs 158 and 169

² NPPF, Paragraphs 126, and 157

³ NPPF, Paragraph 156

⁴ NPPF, Paragraph 157

3 Local plans need to be based on adequate, up-to-date and relevant evidence about the historic environment. When gathering evidence, it is important to bear in mind that this is not simply an exercise in setting out known sites but, rather, in understanding their value to society (i.e. their significance) of sites both known and potential, without which an understanding of the sometimes subtle qualities of the local distinctiveness and character of the local area may be easily lost. In particular:

- There may need to be an assessment of the likelihood of currently unidentified heritage assets, particularly sites of historic and/or archaeological interest, being discovered in the future⁵.
- In some cases, it might be necessary to identify heritage assets outside a local authority area, e.g. where there are likely to be setting impacts caused by potential development proposals within that area.
- Some asset types are not currently well-recorded. The *Register of Parks and Gardens of Historic Interest in England*, for example, is thought to represent only around two-thirds of sites potentially deserving inclusion.
- Evidence gathering can help identify parts of a locality that may be worthy of designation as a Conservation Area.

4 It may be helpful to collate this information within a Heritage Topic Paper to draw together the evidence prepared and the subsequent implications and actions required.

Sources of evidence

5 Sources of evidence to assist in gathering information include:-

- the National Heritage List for England - see English Heritage website
- the Heritage Gateway: <http://www.heritagegateway.org.uk/gateway/>
- Historic Environment Record (HER)⁶ – see Heritage Gateway to find your local HER
- Conservation Area Appraisals and Management Plans – see relevant pages of the local authority website/s
- Local Lists – as above
- National and local ‘Heritage at Risk’ registers – see English Heritage website Heritage at Risk pages
- Historic characterisation assessments – see Heritage Gateway to find your local HER
- World Heritage Site Management Plans – see local authorities’ planning pages
- In-house and local knowledge and expertise (i.e. civic societies, local history groups, neighbourhood consultations, e.g. the Civic Voice website).

⁵ NPPF, Paragraph 169

⁶ Local planning authorities should either maintain or have access to a historic environment record (NPPF, paragraph 169).

6 Where the evidence base for the historic environment is weak, local planning authorities may need to commission research, e.g. detailed historic characterisation work assessing the impact of a proposal for a major urban extension or rural development, or visual impact assessments, considering the potential impact of allocations upon the setting of important heritage assets or seek the views of the local community about what they value about the historic environment of their local area⁷.

7 Work in putting together the Local Plan, from the core strategy through to supplementary planning documents on specific issues, will often generate new evidence of the state and significance of the historic environment. Documents, such as historic landscape characterisations, sustainability studies, strategic environmental assessments, conservation area appraisals, studies supporting supplementary planning documents and local listing assessments, will often contain new evidence. Local planning authorities will find it useful to collect this information and make it publicly available, including through the historic environment record. The information can be invaluable in improving plan-making and decision-making in the future and is of significant public benefit in furthering the understanding of our surroundings and our past.

Application of Evidence

8 The evidence base for the historic environment may also assist with the preparation of the following:-

- assessments developed to meet the goal of achieving economic, social and environmental gains jointly and simultaneously⁸ i.e. through land availability, etc.
- the Sustainability Appraisal which accompanies the Local Plan, and;
- appropriate indicators for monitoring the delivery of the plan.

A positive strategy for conservation and enjoyment of the Historic Environment

9 A positive strategy in the terms of NPPF paragraphs 9 and 126 is not a passive exercise but requires a plan for the maintenance and use of heritage assets and for the delivery of development within their setting that will make a positive contribution to local character and distinctiveness.

10 As such a strategy to conserve heritage assets potentially engages all aspects of planning. As part of a sound conservation strategy, policies for local housing, retail and transport, for example, may need to be tailored to achieve the positive improvements in the historic environment that the NPPF expects⁹. Conservation is certainly not a stand-alone exercise satisfied by stand-alone policies that repeat the NPPF objectives.

⁷ NPPF, Paragraph 155

⁸ NPPF, Paragraph 8

⁹ NPPF, Paragraph 8

11 Consequently, the Local Plan might need to consider the inter-relationship of the strategy for the historic environment with the following:-

- ***Building a strong, competitive economy*** - How might the plan deliver improvements in the quality of the historic environment in order to encourage tourism or attract inward investment? What opportunities are there for heritage-led regeneration?
- ***Ensuring the vitality of town centres*** - What role can the historic environment play in increasing the vitality and attractiveness of town and village centres?
- ***Supporting a prosperous rural economy*** – What opportunities does the reuse or adaptation of traditional buildings provide for supporting the rural economy or providing homes for local people? What potential is there for new heritage-led tourism initiatives?
- ***Promoting sustainable transport*** – How might new roads and other transport infrastructure be delivered in a manner which also conserves the historic environment of the area? What opportunities are there to enhance the character of historic areas through sustainable transport initiatives (e.g. street/traffic management, public realm enhancement etc)?
- ***Delivering a wide choice of high quality homes*** - How might the plan encourage adaptive reuse of historic buildings? How might new residential developments best be integrated into historic areas?
- ***Requiring good design*** - How might the defining characteristics of each part of the plan area be reinforced in the approach to design?
- ***Protecting Green Belt land*** – How might the policies for the Green Belt and the definition of its boundaries be tailored to protect the special character and setting of a historic town?
- ***Meeting the challenge of climate change, flooding and coastal change*** - How might flood prevention measures be provided which also safeguard the heritage assets in the area? How might the strategy for renewable energy developments reduce the potential harm to the historic environment?
- ***Conserving and enhancing the natural environment*** - How might the plan best identify, protect and enhance important historic landscapes? What contribution might the strategy for improving the Green Infrastructure network also make to the enhancement of the area’s heritage assets?
- ***Facilitating the sustainable use of minerals*** – How might minerals development minimise harm to the area’s heritage assets? How might the plan safeguard potential sources of building and roofing stone?

12 In formulating the strategy it is advisable and often necessary to consider the following factors:

- How the historic environment can assist the delivery of the positive strategy and the economic, social and environmental objectives for the

¹⁰;

- How the plan will address particular issues identified during the development of the evidence base, including heritage at risk and the reuse of buildings;
- The location, design and use of future development and how it can contribute to local identity and distinctiveness;
- The interrelationship between conservation of heritage assets and green infrastructure, landscape, regeneration, economic development, transport works, infrastructure planning, tourism, town centres and climate change mitigation/adaptation¹¹;
- The means by which new development in and around World Heritage Sites might enhance or better reveal their significance and Outstanding Universal Value¹²;
- The means by which new development in Conservation Areas and within the setting of heritage assets might enhance or better reveal their significance¹³;
- How Article 4 Directions may be employed to provide an additional conservation mechanism¹⁴;
- How HERs and local lists might assist in identifying and managing the conservation of non-designated heritage assets;
- How the archaeology of the plan area might be managed;
- How CIL and/or S106 funding might contribute towards ensuring a sustainable future for individual assets or specific historic places and whether or not certain heritage assets might need to be identified within the Infrastructure Delivery Schedule ;
- Whether master plans or design briefs need to be prepared for significant sites where major change is proposed;
- What implementation partners need to be identified in order to deliver the positive strategy;
- What indicators should be used to monitor the heritage strategy's effectiveness;
- In order to deliver an effective strategy for the conservation of the historic environment, is there a need for the plan to include development management policies and where appropriate specific policies for specific assets or specific areas within the plan area?

Strategic policies for the conservation of the historic environment

13 The plan will be the starting point for decisions on planning applications and Neighbourhood Plans are only required to be in general conformity with the strategic policies of the Local Plan¹⁵. Consequently, sustainably managing the historic

¹⁰ NPPF, Paragraph 126

¹¹ NPPF, Paragraph 126

¹² NPPF, Paragraph 137

¹³ NPPF, Paragraph 137

¹⁴ www.english-heritage.org.uk/professional/advice/hpg/historicenvironment/article4directions/

¹⁵ NPPF, Paragraph 184

environment is best achieved by identifying clear strategic policies for heritage, in order to assist those preparing Neighbourhood Plans.

Identifying inappropriate development

14 The local plan needs to assess whether or not it should identify any areas where certain types of development might need to be limited or would be inappropriate due to the impact that they might have upon the historic environment¹⁶. This might include, for example, tall buildings within identified view corridors.

Development Management Policies for the historic environment

15 Specific Development Management policies may be needed in order for decision-takers to determine how they should react to an application affecting a heritage asset. Such circumstances could include the following:-

- ***Those areas where Development Management policies are necessary to amplify a general, overarching, Strategic Policy for the historic environment within a Core Strategy*** – for instance, to deal with particularly distinctive or important historic environment features or significance.
- ***Those areas where further clarity would be useful*** – for instance, how local planning authorities determine applications affecting archaeological remains of less than national importance.
- ***Those areas where Development Management policies may be necessary to address the local circumstances of the Plan area*** - for example, to clarify the approach to development within an Area of Archaeological Importance¹⁷; or to protect or enhance important views and vistas.
- ***Those circumstances where Development Management Policies are needed to address particular cross-boundary issues*** - such as World Heritage Sites whose management is carried out by joint working between several local planning authorities or the management of those extensive historic landscapes which run across a number of authority areas.

Site Allocations

16 The best way of ensuring that the selection of sites to be put forward for development supports the delivery of the conservation strategy within the Local Plan is to avoid the selection of sites that will harm the significance of heritage assets. This could mean taking care if allocating sites in the setting of significant heritage assets, to ensure that the form of the development responds to and reflects its local

¹⁶ NPPF, Paragraph 157

¹⁷ Sections 33-35, Ancient Monuments and Archaeological Areas Act, 1979. For further information see <http://www.english-heritage.org.uk/professional/advice/hpg/has/archaeologicalimportance/>

character¹⁸; or ensuring that heritage at risk is supported with site allocations that will induce sustainable development.

17 Opportunities for the historic environment are available, for example, for new development to better reveal the significance of heritage assets¹⁹, or to provide an opportunity to tackle heritage at risk.

Planning across boundaries

18 In some plans the need to conserve the historic environment of an area, and therefore deliver the strategic priorities of the NPPF, may require cross-boundary co-operation²⁰. The types of strategic issues that might fall within such requirements could include:-

- An urban extension spanning two local authority areas effecting the significance of important heritage assets such as a historic park or scheduled monument
- Extensive designated and non-designated heritage assets (and their settings) which fall within more than one plan area (such as the Hadrian's Wall World Heritage Site)
- Major changes to green belt which effect the conservation of the setting and character of historic towns
- Important views that extend across local authority boundaries

Nationally Significant Infrastructure Projects

19 There is a separate planning regime for Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008. NSIPs include projects such as electricity generation stations (e.g. nuclear power stations, renewable energy), electricity lines, oil and gas infrastructure, ports, roads, railways, airports, waste water and hazardous waste facilities, and water supply infrastructure. In each case, thresholds in the 2008 Act specify the size that a project needs to be in order to be an NSIP. Planning Decisions on NSIPs are taken by the Secretary of State and decisions must be in accordance with any relevant National Policy Statement unless certain other factors specified in the 2008 Act apply.

Marine Planning

20 Some authorities have coastal boundaries and consideration will need to be given to marine heritage which may arise and the points above will equally apply. Additionally however marine planning is a UK-wide responsibility, outside the terrestrial planning system, and new systems of marine planning are being introduced through primary legislation, with the Marine Policy Statement as the framework for these marine planning systems. It provides the high level policy context within which national and sub-national Marine Plans will be developed, implemented, monitored, amended and will ensure appropriate consistency in marine planning across the UK marine area. It will enable an appropriate and

¹⁸ NPPF, paragraph 58

¹⁹ NPPF, Paragraph 137

²⁰ NPPF, Paragraph 178

consistent approach to marine planning across UK waters, and ensure the sustainable use of marine resources and strategic management of marine activities from renewable energy to nature conservation, fishing, recreation and tourism. In England marine planning is administered by the Marine Management Organisation (MMO).

Community Infrastructure Levy (CIL)

21 When preparing the CIL Charging Schedule as a delivery mechanism of the Local Plan, local authorities may wish to take account of such a charge on the economic viability of the re-use of heritage assets and heritage led regeneration projects, particularly those at risk. As a consequence local authorities may wish to consider such heritage considerations as exceptions to the Charging Schedule.

Section 106 agreements

22 To support the delivery of the Plan's heritage strategy it may be considered appropriate to include reference to the role of Section 106 agreements in relation to heritage assets, particularly those at risk. Subject to meeting the policy tests in paragraph 204 of the NPPF, types of contribution might include:

- repair, restoration or maintenance of a heritage asset(s) and their setting
- increased public access and improved signage to and from heritage assets
- interpretation panels/historical information and public open days
- production and implementation of up-to-date Conservation Area management plans and appraisals
- measures for preservation or investigation and recovery of archaeological remains and sites
- display of archaeological sites
- provision of local capacity for the storage of, and public access to, archives resulting from archaeological and/or historical investigation
- dissemination of historic environment information for public/school education and research, including museum displays for popularisation of archaeological discoveries
- sustainability improvements (such as loft insulation) for historic buildings
- public realm obligations, including enhancement of historic squares and spaces, registered parks and gardens, historic pavement materials, street furniture, removal of street clutter and installation of sympathetic lighting, etc

Infrastructure Delivery Plans

23 Investment in infrastructure through the levy in the Planning Act 2008 could assist in the delivery of the plan's strategy for the historic environment. For example:-

- Open space, including wider public realm improvements for historic streets and squares;

- Repairs and improvements to and the maintenance of heritage assets where they are defined as infrastructure by the Planning Act 2008, such as cultural or recreational facilities;
- Maintenance and ongoing costs for heritage assets such as transport infrastructure, including historic bridges and stations, or green and social infrastructure such as parks and gardens; and
- 'In kind' payments, including land transfers: this could include the transfer of an 'at risk' building.

Supplementary Planning Documents (SPDs)

24 The NPPF and PPG say that supplementary planning documents should be prepared only where necessary; and should not add unnecessarily to the financial burdens on development. However, a heritage SPD can be a useful tool to amplify and elaborate on the delivery of the positive heritage strategy in the local plan and some local planning authorities may choose to support their conservation strategy within the Local Plan using a topic specific SPD. In addition, other types of SPDs (for example, retrofitting or flood management) can also benefit from careful consideration of how the historic environment might support the delivery of the relevant objective.

Strategic Environmental Assessments (SEA)/Sustainability Appraisals (SA)

25 In identifying the significant environmental effects that are likely to occur, an SEA/SA, will recommend an appropriate response to the conservation and enhancement of the historic environment. To help those preparing an SEA/SA, English Heritage has recently published revised advice on this matter. This is available at www.english-heritage.org.uk/publications/strategic-environ-assessment-sustainability-appraisal-historic-environment/SA_SEA_final.pdf.

Neighbourhood Plans

26 Including heritage matters in a neighbourhood plan will help make sure that potential new development is properly integrated with what is already there and does not result in the loss of local distinctiveness. Addressing how best to integrate new development into an existing place can encourage people to be innovative. Taking into account what is special about a place often demonstrates that off-the-shelf design and construction might not be appropriate. It encourages sensitive development of historic buildings and places that can invigorate an area, stimulating investment, entrepreneurship, tourism and employment.

27 Neighbourhood development plans, neighbourhood development orders and community right to build orders have to meet the 'basic conditions' and these are tested through an independent examination. In addition to the basic conditions for neighbourhood development plans (having regard to national policies and advice; being in general conformity with strategic local policies; contributing to the achievement of sustainable development; and being compatible with EU Obligations) neighbourhood development orders and community right to build orders must meet additional conditions relating specifically to heritage assets:

- having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order; and
- having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order.²¹

28 Neighbourhood forums that understand the heritage of their area are best placed to set boundaries of the neighbourhood plan area and propose policies that support and encourage the conservation and enhancement of the historic environment.

29 Plans need to include enough information about local heritage to guide decisions, in particular, what it is about a local area that people value, and therefore, requires conservation and enhancement. That information will need to be based on robust evidence. English Heritage has published advice to assist local communities considering a [Neighbourhood Plan](http://www.english-heritage.org.uk/content/imported-docs/k-o/neighbourhood-planning-information-2014.pdf), available at <http://www.english-heritage.org.uk/content/imported-docs/k-o/neighbourhood-planning-information-2014.pdf>.

²¹ Schedule 4B of the Town and Country Planning Act 1990 (Schedule 10 of the Localism Act).

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