



# A Charter for English Heritage Planning and Development Advisory Services



ENGLISH HERITAGE

This Charter sets out the service provided by English Heritage for those involved in changing or influencing change to the historic environment. It explains how we handle requests for pre-application and statutory advice; it covers our advice on matters of policy and management issues relevant to the planning process; and it explains our engagement, in partnership with others, in the modernised planning system.

We are committed to continuously improving the timeliness and quality of our advisory service. **We currently give more than 95% of planning and listed building consent advice to local authorities within 21 days or against an agreed timetable.** We also devote an increasing proportion of our time to pre-application advice.

Our Charter principally covers our service to local planning authorities, owners of heritage assets and developers, but anyone who needs consent for work affecting the historic environment will find it useful. It may also be relevant where English Heritage is invited to engage in Planning Performance Agreements.

This Charter will be periodically updated in response to our evolving role within the planning system. This third edition of the Charter emphasises our commitment to pre-application advice and contains new sections on design and access statements and e-planning.

## THE ROLE OF ENGLISH HERITAGE

English Heritage is the Government's lead advisory body for the historic environment and has a statutory role in the planning system. Central to our role is the advice we give to local planning authorities and government departments on development proposals affecting listed buildings, scheduled monuments, registered parks and gardens and conservation areas. We also publish wide-ranging guidance on the management of the historic environment.

In most cases local planning authorities will be the first point of contact for advice on proposals for change in the historic environment. It is not necessary or appropriate for English Heritage to engage with every planning issue that involves the historic environment. We will usually only advise on proposals with the potential for major change or damage to significant, nationally important heritage assets.

In addition to our current statutory role, it is customary for English Heritage to be consulted on developments which affect a Registered Battlefield or its setting.

The full range of planning issues on which English Heritage is consulted can be found with the online version of this Charter from [www.english-heritage.org.uk/planningadvice](http://www.english-heritage.org.uk/planningadvice) or on request from any of our regional offices listed at the end of this document.

## WHAT GOVERNS OUR ADVICE?

Our advice is shaped by legislation and based upon government policy and guidance. English Heritage advice is also underpinned by our published *Conservation Principles*, which can be read online at [www.english-heritage.org.uk/conservationprinciples](http://www.english-heritage.org.uk/conservationprinciples).

We expect to uphold publicly the statutory advice provided by English Heritage to local planning authorities. Unless material circumstances change, we will not alter our advice. In complex cases it is for the statutory decision-maker(s) to judge the balance of any competing interests.

## STATUTORY CONSULTATIONS

The circumstances in which English Heritage is notified of and consulted upon applications affecting the historic environment are set out in legislation and government guidance. Broadly speaking, English Heritage must be consulted on:

- listed building consent applications relating to a Grade I or II\* building or for total or substantial demolition of a Grade II listed building
- applications for planning permission for development which affects the setting of a Grade I or II\* listed building or affects the site of an ancient monument
- development which affects the character or appearance of a conservation area and which involves:
  - (i) the erection of a new building or the extension of an existing building where the area of land in respect of which the application is made is more than 1,000 square metres
  - (ii) the material change of use of any building where the area of land in respect of which the application is made is more than 1,000 square metres or
  - (iii) the construction of any building more than 20 metres in height above ground level
- development likely to affect any Grade I or II\* historic park or garden
- all applications for scheduled monument consent
- applications made under the Care of Cathedrals Measures 1990 to 2005 for certain classes of works to Anglican cathedrals.

In Greater London, English Heritage has statutory powers and must be consulted on a wider range of applications, including any proposal for demolition of a building in a conservation area.

## Our Advisory Service

### CORPORATE ADVICE FROM ENGLISH HERITAGE

We communicate all our formal advice by letter, often sent electronically. English Heritage has a network of staff across England with a wide range of professional skills. The member of staff whose knowledge best fits the need for advice will be assigned to each case and will write the letter. Our advice may also draw on the expertise of other members of English Heritage staff or our advisory committees and panels and represents corporate advice on behalf of our Commission, our policy-making body.

### PROVIDING ADVICE – OUR COMMITMENT

In cases where we have an interest, English Heritage will:

- identify the expectations of the client
- match the skills required to the needs of the case
- identify named staff for each case, and confirm the arrangements for contacting them
- provide constructive, clear, relevant and concise advice, consistent with our *Conservation Principles*
- give advice to an agreed timetable, including the provision of formal pre-application and statutory advice
- review our performance through evaluation and feedback.

### PRE-APPLICATION ADVICE

On initial contact English Heritage will determine the nature of the enquiry, identify the issues it raises and decide whether we should become involved.

We will:

- either, confirm within 21 days that we do not need to be involved with the case, or
- confirm the need for our involvement and agree the form of advice to be given, a timetable for its delivery and the information upon which it is to be based, within 21 days
- ask for additional information where necessary, in order to gain a better understanding of the proposals and their impact. Additional information may involve anything from a meeting to commissioning surveys or studies. Each case will therefore generate its own programme.
- aim to provide our formal pre-application advice on a proposal, based on the information then available, within 21 days of a request to do so.

Whether or not English Heritage becomes involved, it is important for those considering development to engage with others, such as the local authority and national amenity societies, as appropriate.

When we are consulted on infrastructure and other proposals with prescribed deadlines for response, we will aim to meet such deadlines, taking into account our corporate responsibilities and priorities.

### STATUTORY ADVICE

Local planning authorities and the Government notify and consult us on a range of applications affecting the historic environment, and we have specific statutory functions in London.

On receipt of any statutory consultation or notification, we will:

- ascertain whether we have given pre-application advice
- confirm our interest, and carry out an initial assessment to determine how the consultation will be handled and the nature of any response
- identify the need for any outstanding information and, where necessary, agree a suitable timetable for giving advice
- provide advice within the agreed timetable. We will respond to notifications of listed building consent and planning applications within 21 days of receipt unless otherwise agreed
- provide relevant information and advice, and present it clearly and concisely.

In a very few cases, English Heritage Commission and/or an advisory committee need to consider a case. Where this is so, it may not be possible to meet the 21-day target and we will seek to agree a longer period with the relevant parties.

## Helping us to help you

We want to work constructively with everyone who needs our advice. You can help us most effectively by:

- checking that we are the right people to ask and whether what you require is not better supplied elsewhere in the public and private sectors. Enquiries on proposals likely to require statutory approvals (other than for scheduled monument consent) should be made to the local planning authority in the first instance
- providing us with as much relevant information as possible at the earliest stage in the development process; experience shows that pre-application advice will save you time and money.

### INFORMATION TO ACCOMPANY CONSULTATIONS WITH ENGLISH HERITAGE

To be able to offer detailed advice we must have a full understanding of the impact of the proposed works on the historic environment. We also need to understand why the changes are proposed. The range of information we may ask for is listed on the back cover of this document. Local authorities are likely to require similar information but the content of a valid statutory application is a matter for the decision-making authority.

## PLANNING APPLICATIONS

### Design and Access Statements

The 2004 Planning and Compulsory Purchase Act requires applicants to produce further information to support their applications. DCLG Circular 01/2006 requires design and access statements to accompany most planning and listed building applications. It recommends the use of draft or evolving design and access statements as aids to pre-application discussions.

Both the design and access components should be worked on from the earliest stages of the development of the proposals, informed by the current and historic site use and context.

There are specific requirements for the design and access statement relating to proposals which require listed building consent, including a justification for the proposal (PPG 15, 3.5)\*.

Where a planning application is submitted in parallel with an application for listed building consent, a single combined statement should address the requirements of both.

## ENGLISH HERITAGE POLICY AND GUIDANCE

Our publication *Informed Conservation* contains advice on techniques for understanding historic buildings and landscapes and how to apply that understanding to conservation projects.

This can be obtained from our Customer Services Department on 0870 333 1181 or [customers@english-heritage.org.uk](mailto:customers@english-heritage.org.uk)

You can find the following publications on our Historic Environment Local Management website: [www.helm.org.uk](http://www.helm.org.uk)

*Understanding Historic Buildings: Policy and Guidance for Local Planning Authorities* sets out our policy on the investigation and recording of historic buildings within the English planning framework.

*Understanding Historic Buildings: A Guide to Good Recording Practice* gives detailed practical advice on the approaches and techniques for the recording, analysis and interpretation of historic buildings across a range of circumstances including those resulting from the planning process.

## DESIGN AND ACCESS STATEMENTS

Understanding the heritage asset on or adjacent to your site is critical to producing a good design statement and acceptable development proposals. For the access statement we have produced two guides *Easy Access to Historic Buildings* and *Easy Access to Historic Landscapes*, as well as regional guides in the *Streets for All* series on the public realm. These can be found on our website.

For more information on the requirement for design and access statements, see the Department for Communities and Local Government Circular 01/2006, *Guidance on changes to the development control system* ([www.communities.gov.uk](http://www.communities.gov.uk)). The Commission for Architecture and the Built Environment (CABE) has also published a guide – *Design and Access Statements How to write, read and use them* ([www.cabe.org.uk/publications.aspx](http://www.cabe.org.uk/publications.aspx)). The CABE guidance is consistent with what is required to support applications for development in the historic environment.

\*Planning and Policy Guidance note PPG 15 (Planning and the Historic Environment)



### The Statement of Justification

The statement of justification should explain why works affecting protected heritage assets are desirable or necessary.

### Standard planning application forms

Standard application forms were introduced from May 2008 to better enable planning application validation by local planning authorities. The form allows applicants to apply for multiple consents. Where, for example, applications involve both Listed Building Consent and Conservation Area Consent, particular care must be taken in completing the form.

## E-PLANNING – OUR SERVICE STANDARDS

English Heritage is committed to handling communications electronically wherever possible. We communicate direct with prospective applicants and others at pre-application stage, and we expect to agree mutually convenient means of exchanging information and advice throughout the process.

Electronic consultation currently happens when a local planning authority consults or notifies English Heritage of statutory applications, by publishing documents on the local planning authority website and sending English Heritage a hyperlink by email or via the planning portal's e-consultation hub.

We have adopted the relevant PARSOL Standards for e-consultation. These can be found on the Planning Portal website: [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Our EH Service Standards can be found with the online version of this Charter from [www.english-heritage.org.uk/planningadvice](http://www.english-heritage.org.uk/planningadvice).

Local planning authorities should contact the English Heritage Business Manager in their region with any queries and/or to agree arrangements for starting electronic consultation.



## Contacting us

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## Guide to the range of information required for consultations with English Heritage

The type and amount of information needed will vary in each case. This is not a checklist of information required by local planning authorities, but the following items may be necessary for proposals affecting nationally important heritage assets, depending upon the significance of the asset and the impact of the proposed changes:

- a **plan** of suitable scale showing the site, its location, size, extent and context
- **photographs**, dated, numbered and cross-referenced to a plan, showing the site and its setting in general and the area of proposed change in detail
- a **statement of significance** which demonstrates an understanding of the historical, archaeological and architectural interest of the site, and in particular the significance of those areas affected by the proposed works.

**Measured drawings of structures as existing and as proposed** to show, where appropriate:

- all floor **plans**
- any external and internal elevations affected by the works
- **sections** through floor; roof and wall structures, where these are affected by the works
- **perspectives or photomontages**, models or computer visualisations, to show the impact of new works on the heritage asset and its setting
- **landscape** works, to include contours and planting schemes
- other material necessary to provide a full understanding of the impact of the works on the significance of the heritage asset and its setting.

Drawings should be at a scale appropriate to show the impact of the proposals on the heritage asset and its setting, usually 1:50. Plans, elevations and sections of structures as existing should indicate elements proposed for demolition.

A **written explanation** of the proposed works to include:

- a **statement of justification** explaining why the works are desirable or necessary (this should include a development appraisal where appropriate)
- a **statement of significance**
- an **impact assessment and mitigation strategy**: an assessment of the impact of the works on the significance of the asset and the steps that have been taken to avoid or minimise any adverse impacts
- a **specialist assessment** where any features of special historic, archaeological and architectural interest may exist
- a **structural report** by an engineer familiar with historic assets, which identifies defects and proposes remedies, when works include significant elements of demolition or rebuilding.

When proposed works include the total or substantial demolition of a listed building, or any significant part of it, the **statement of justification** should be based on the following criteria, as set out in detail at 3.19, PPG15:

- the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from continued use
- the adequacy of efforts made to retain the building in use, including evidence that the building has been offered on the open market at a realistic price
- the merits of alternative proposals for the site.

### FREEDOM OF INFORMATION

English Heritage is subject to the Freedom of Information Act. All information held by the organisation will be accessible in response to a Freedom of Information request, unless one of the exemptions in the Act applies.

### EQUALITIES IMPACT ASSESSMENT

Public bodies are legally required to ensure that their plans, policies and activities do not unfairly discriminate against a group protected by equalities legislation. It is the responsibility of those public bodies for whom we provide advice to ensure that they have conducted any relevant Equalities Impact Assessment that may be required when implementing the advice of English Heritage.

### Third Edition, January 2009

If you would like any more information on English Heritage's advisory services for planning and development in the historic environment, please contact the relevant Regional office. Feedback on any aspect of our service should be addressed to the Regional Director.

*Historic Environment Local Management (HELM)* is an English Heritage initiative to provide local authorities with the tools they need to manage the historic environment with skill and confidence.  
[www.helm.org.uk](http://www.helm.org.uk)

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