

## **Cultural Heritage and Landscape**

### **Purpose**

For direction / for decision.

### **Summary**

The Culture, Tourism and Sport Board has identified the impact of planning reform on cultural heritage and landscape as an area of interest. This is being taken forward with input from the Environment, Economy, Housing and Transport Board who lead on planning policy.

This report takes stock of the impact of planning reform on councils' ability to protect and enhance cultural heritage and landscape and the role of agencies such as Historic England in support of this.

### **Recommendation**

Members are invited to give officers a steer on the issues they would like to further explore and to comment upon the proposed next steps in section 22.

### **Action**

To be taken forward by officers in line with Members' steer.

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## **Cultural Heritage and Landscape**

### **Background**

1. The Culture, Tourism and Sport Board has identified the impact of planning reform on cultural heritage and landscape as an area of interest. This is being taken forward with input from the Environment, Economy, Housing and Transport Board who lead on planning policy.
2. This country's rich and varied cultural heritage and landscape underpins what makes places unique. From the 10 National Parks, to the 18 World Heritage Sites, 20,000 scheduled monuments, hundreds of archaeological sites, over 500,000 listed buildings, an estimated 10,000 conservation areas, 1,600 registered gardens and countless locally listed and non-designated assets, cultural heritage and landscape shapes identity and how we live our lives.
3. It also makes a significant contribution to the economy, helping to attract visitors and businesses to places, providing jobs and opportunities to acquire skills, and driving inner city renewal and rural development. Most recently, devolution has thrown a spotlight on what makes places different with many deals rooted in strong historic identities.
4. Councils are at the forefront of supporting, conserving and promoting cultural heritage and landscape for residents, businesses and visitors to enjoy and learn from. Be it through the planning system, or through supporting community involvement, councils care for and enhance local areas, stimulating interest and encouraging awareness of local heritage. This report takes stock of the impact of planning reform on councils' ability to protect and enhance cultural heritage and landscape and the role of agencies such as Historic England in support of this.
5. The Board will be joined by Sir Laurie Magnus, Chairman of Historic England (who is also speaking at our conference), Quinton Carrol, Chair of the Association of Local Government Archaeological Officers (ALGAO) in England, whom Cllr Stephens recently met, and Cllr Julian German (a Lead Member of the LGA's Environment, Economy, Housing and Transport Board).
6. Historic England is a key partner for the LGA and councils. We work in partnership to seek out and share good practice and to support effective local political leadership through joint events and communications.

### **Heritage and Planning Policy**

7. A major positive tool in enabling councils to maximise the enjoyment and growth potential of cultural heritage and landscape is the planning system. It is through the planning system that the historic environment is protected, enhanced and improved in a way that balances local economic, social and environmental needs and ambitions. Inevitably this can mean difficult conversations about balancing, for example, local need for new housing and growth, with preserving cultural heritage and landscape.

8. The Government has undertaken a major simplification of planning legislation with the introduction of the National Planning Policy Framework (NPPF) in 2012. The LGA supported the shift away from a burdensome centrally driven process and towards local plan making. The NPPF clearly encourages councils to give explicit consideration to protecting the historic environment and to recognising the benefit and opportunities that it can bring. According to the NPPF, Local Plans need to<sup>1</sup>:
  - 8.1. 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 environment (NPPF Paragraphs 158 and 169);
  - 8.2. set out a positive and clear strategy for the conservation, enjoyment and enhancement of the historic environment (NPPF, Paragraphs 126 and 157);
  - 8.3. contain strategic policies to deliver the conservation and enhancement of the historic environment (NPPF, Paragraph 156 ), and;
  - 8.4. identify land where development would be inappropriate because of its (environmental or) historic significance (NPPF, Paragraph 157)
9. 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 expects (NPPF, Paragraph 8).
10. Therefore, a Local Plan is critical for ensuring that cultural heritage and landscape is afforded appropriate protection through the local planning process. Over 80 per cent of councils have now adopted a Local Plan and the LGA - through the Planning Advisory Service (PAS) - is supporting those relatively few places who are still developing one. The presumption in favour of sustainable development provides a strong incentive for councils to get plans in place so that there is a local framework for taking decisions. The LGA has highlighted that after a period of signification reform, we need to allow the system to bed in and councils to finalise their plans.
11. According to Historic England, around half of local planning authorities have also produced lists of locally important buildings and sites.<sup>2</sup> Although not all of these have been adopted as part of Local Plans, they provide a very useful record of local heritage assets over and above the list of designated heritage assets that Historic England maintains, and they may be offered some level of protection by local planning authorities.
12. It is still relatively early days to assess the impact of the NPPF on cultural heritage and landscape. Overall, the move towards a simpler and more locally-led planning system was welcomed by the LGA. Planning is inevitably a long term endeavour as well as a short term endeavour. The supportive Government guidance for the NPPF was only published in July 2014. The LGA, therefore, is calling upon the Department for Communities and Local Government (DCLG) to create a framework that would evaluate the operation and impact of the NPPF on outcomes (including heritage) over a longer term.

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<sup>1</sup> <http://historicengland.org.uk/advice/planning/>

<sup>2</sup> <http://historicengland.org.uk/advice/hpg/has/locallylistedhas/>

13. The need for consents and permissions is an important aspect of the system to protect England's heritage, helping to achieve an informed approach to managing change in historic places. Different types of heritage assets are protected in different ways. Different consents are required for the carrying out of works to existing buildings or sites and for the construction of new development. What activity does and does not require permission or consents is a matter of considerable complexity and is the most common area of misunderstanding.<sup>3</sup> Local planning authorities make most of the decisions regarding change to heritage assets. They are obliged to consult Historic England on certain planning and listed building consent applications. Councils are also responsible for holding information on the historic environment through Historic Environment Records.
14. Through the Housing and Planning Bill, the Government has proposed a number of further reforms. In particular the LGA has expressed concern with proposals for Government to be able to grant "permission in principle" to identified sites in the Local Plans, in neighbourhood plans and on the brownfield register. This could hamper the ability to properly consider the impact of proposed development on cultural heritage and landscape and runs up against the NPPF which states protection for heritage assets must not be weakened. The LGA's view is that planning is not holding up development on brownfield sites. It is more often than not the cost of remediation and infrastructure. Councils want to see brownfield sites developed appropriately for much needed housing, but it is important the planning system is proportionate and local communities have their say. This includes the ability to take into account other important factors such as the potential impact on the historic environment.
15. As demand for housing continues to increase, it is likely that there will be more instances of councillors having to balance the impact of development on cultural heritage and landscape according to local need and material considerations. Every planning application is different and decisions are reached locally after careful consideration of many factors. The LGA is supporting councillors and planners to make the best possible decisions for their communities through PAS's extensive support offer and our continued advocacy for a locally-led and fully funded planning system.

### **A Shared Approach**

16. The effectiveness of the planning system for cultural heritage and landscape also relies upon councils' leadership, capacity and ability to access the specialist conservation and archaeological advice that informs good decision making, supported by agencies including Historic England. Complex planning applications with the potential to impact upon the setting of a heritage asset or landscape, including in areas designated in some way, require the right skills and advice. In some instances, heritage assets, which might themselves be Scheduled Ancient Monuments, are defined by their landscape, which might require additional protections or at least consideration of the impact of development upon them.
17. There is considerable concern in the heritage sector about the impact of further local government budget cuts on local historic environment services. Historic England and ALGAO, along with and the Institute of Historic Building Conservation, produce an annual

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<sup>3</sup> <http://historicengland.org.uk/advice/hpg/consent/>

survey of the numbers of council heritage staff.<sup>4</sup> The July 2015 survey shows that at the beginning of 2015 there were 841.6 full-time equivalent (FTE) historic environment specialists providing advice to local authorities. This is made up of 527.4 FTEs working on building and area conservation and 314.2 FTEs providing archaeological advice. Since 2006, the number of archaeological specialists advising local authorities in England has fallen by 23 per cent, although in the last 12 months there was a modest increase of 4.5 per cent (13.7 FTE), and the number of conservation specialists has fallen by 35 per cent. Alongside this, ALGAO's annual planning survey has highlighted increased demand for planning applications requiring archaeological advice, especially at the pre-application stage.

18. Many councils have improved their efficiency by working differently. For example, sharing historic environment advice between councils and supporting multi-disciplinary planning officers to develop historic expertise. However, another tough local government finance settlement will inevitably impact upon councils' ability to fund sustainable historic environment services and access the very specialist local knowledge that it is needed to inform decision making.
19. A significant challenge is that nationally-set planning fees prevent councils from being able to recover the full cost of processing the 467,000 planning applications submitted on average each year. The LGA has consistently called on Government to introduce locally-set planning fees that allow for full cost recovery, thereby removing the burden from taxpayers who currently subsidise 30 per cent of total costs. This would not only speed up the process and lead to better quality decisions, but it would relieve some of the pressure on stretched planning services including historic environment officers. This is a key point in our briefings on the Housing and Planning Bill.
20. Given the challenging fiscal context, the LGA could help places to make locally appropriate decisions about their cultural heritage and landscape by supporting and promoting the following way of working:
  - 20.1. **Strong political leadership of local historic environment services**, which is embedded as part of a place's strategic approach to growth and planning.
  - 20.2. **Professional heritage leadership and knowledge configured in an efficient way** that means expertise is properly utilised. This might be in-house or shared with another council and would deliver:
    - 20.2.1. Excellence in knowledge of individual buildings, landscapes and places; styles, techniques and materials that are characteristic of a place;
    - 20.2.2. Strategic influence with heritage informing the Local Plan.
  - 20.3 **National advice and protection** exercised in close collaboration with councils so that it reinforces joined-up working and supports local priorities. As part of the LGA's work to promote locally-led planning, we are working with statutory consultees in the planning process (including Historic England) to ensure that it works quickly and effectively to support local priorities. Historic England also offers a wide range of planning guidance on their website and bespoke planning advice through their regional offices.

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<sup>4</sup> <https://historicengland.org.uk/images-books/publications/seventh-report-la-staff-resources/>

### **Next steps**

21. This project is in addition to the work programme agreed by Members at the September Board. Therefore, it is suggested that as far as possible actions are taken forward within the context of work already underway and comes at a time when the Environment, Economy, Housing and Transport Board is focussed on influencing the Housing and Planning Bill.
22. Members are invited to give officers a steer on the issues they would like to further explore and to comment upon the proposed next steps:
  - 22.1. Cllr Barry Lewis to follow up the Board's discussion with the Environment, Economy, Housing and Transport Board so that CTS Members' views are reflected in continued advocacy work on planning reform. In particular, to emphasise that the LGA's lobbying for properly resourced planning services as part of the Housing and Planning Bill could benefit historic environment capacity.
  - 22.2. To collect good practice case studies on how the planning system can support cultural heritage and landscape, which can be shared with councils through our leadership activity, the LGA's website, social media and the Environment, Economy, Housing and Transport Board's networks.
  - 22.3. To reflect the Board's discussion in our joint working with Historic England. For example, addressing the issues raised in this paper at a joint event in 2016/17, supporting the capacity of the sector through joint leadership activity and sharing learning from different ways of working through case studies that are widely disseminated.
  - 22.4. To support the Environment, Economy, Housing and Transport Board with making the case to DCLG for a framework that evaluates the impact of the NPPF on outcomes, including cultural heritage and landscape.
  - 22.5. Once the Housing and Planning Bill has received Royal Assent, to work with the Environment, Economy, Housing and Transport Board on understanding the implications for the historic environment and providing appropriate support to councils.
  - 22.6. To feedback the Board's discussion to the Planning Advisory Service so that key points can be reflected in continued leadership activity.

### **Financial Implications**

23. There are no financial implications arising from this report.