

Barker Review of Land Use Planning: English Heritage response to the Call for Evidence

English Heritage is the Government's statutory advisor on all aspects of the historic environment, including historic buildings, archaeology, conservation areas and other historic areas including historic landscapes. We welcome the opportunity to contribute to this Review of Land Use Planning.

English Heritage over the past four years has carried out a process of modernisation, very much in line with the ODPM's *Culture Change in the Planning System*. Working with the ODPM and DCMS, and local authorities, we have refined the criteria for planning and listed building applications that we need to become involved in, at the same time helping local authorities become more skilled in managing the historic environment.

We have produced *Planning & Development: A Charter for English Heritage Advisory Services* to explain which applications we will have a role in the determination of. It also sets out what we will require to be included in an application notified to us by the local authority. We have improved our casework system so that we can meet the new 21-day turn around and the other requirements of ODPM Circular 09/05 *Guide to Changes in the Development Control System*.

We are now fully engaged with e-planning and the PARSOL project, and will making sure that by 1 April 2006 we are able to receive e-applications from the over 100 authorities ready to deliver them, and these authorities will know from ODPM Circular 09/05 and our own *Planning & development: A Charter* what they will need to provide us with in terms of supporting information.

From April 2004 we have been working with ODPM and DCMS on HELM, Historic Environment Local Management, and we have created a website www.helm.org.uk. HELM is designed to improve knowledge of and skills in the historic environment within local authorities. It is designed for officers and members. The website not only has pdfs of all the policy statements we have produced in the recent years, but also contains case studies and links to other websites where specialist information is available. In this current year 05/06 the website had over 120,000 hits.

We are actively promoting the important role the historic environment can play in the creation of sustainable communities. With our work on Historic Landscape Characterisation, we have show how analysis of the pattern of land development in an area can be used to define the character of that area, and this then be used to help create new development that works with the grain of what is there and therefore can incorporate local distinctiveness. We have surveyed the whole Thames Gateway area, and have suggested this approach in our publication *Growing Places*.

We have also recently worked with the RICS and British Property Federation on *Heritage Works: How to use the Historic Environment in Regeneration*.

This publication is the result of a research project which the three bodies employed property consultants Drivers Jonas to look at development projects that involved the historic environment, and look at the lessons that could be learned from them.

English Heritage response to the questions posed in the annex

General comment: It is interesting that the title of this Barker Review is “Land Use Planning” at a time when ODPM has since the 2004 Act been stressing that the new planning system is to be a spatial planning system and not a land use planning system.

At present while we are in transition from the old to the new system, it is very difficult to be able to judge yet how effective the new system is. We are only months into the Regional Spatial Strategies Examinations in Public, and the first draft Local Development Frameworks are only just appearing.

1. Is the planning system sufficiently flexible and/or responsive to the right signals to deliver the right development in the right place, given the changing economic circumstances due to globalisation, demographic change, national resource pressures and environmental change? If not, what policy measures might help deliver this flexibility?

English Heritage has welcomed the recent changes aimed at modernising the planning system which we believe have not had any detrimental impact on the historic environment. We support the need to carry out Strategic Environmental Assessments (SEAs), Sustainability Appraisals (SAs) and Environmental Impact Assessments (EIAs). If we have one area of concern, it is that the new plans framework, in seeking to move away from a land use planning system towards a spatial planning system, has added a large number of new documents. Our experience to date suggests that this increase in plan numbers, combined with additional consultation procedures, has slowed up that part of the planning system. Whilst we accept that there will be an initial inevitable increase as all planning authorities start their new plans system, we have some concerns that the added burden may last longer than this.

We believe that the soundest part of the new system is the requirement for a strong evidence base. English Heritage has been developing Historic Landscape Characterisation for the past decade and we believe we have developed a robust technique for helping those responsible for developing these new spatial plans.

2. Do you have any views on the scope of plans at different spatial levels in England which are now emerging following the introduction of the new system in 2004? Are there further improvements to the plan-making process at the different spatial levels in England, particularly regarding the need to encourage a positive/pro-active approach to planning, which was a key theme of the new plan-making system? Does the current

system strike the right balance between central direction and regional and local discretion?

The mechanism by which National Policy comes down from Central Government to the Regional Spatial Strategies RSSs, to be built on with regional issues to be passed down to the local authorities producing Local Delivery Frameworks, is sound. That said, we appreciate that it is necessary to make the RSSs concise and confined to regional and sub-regional matters. RSSs should not be an inventory of everything that should be covered in a local development document or local transport plan.

We are finding that we get one or possibly two policies into the draft RSSs on the Historic Environment, which in general cover the need to protect England's heritage. But this does not necessarily allow the benefits of using the historic environment in forming sustainable communities to be promoted as part of the new positive and pro-active approach to planning.

At a local level, Local Delivery Frameworks will help ensure a fuller community engagement in spatial development. It should mean that the various local strategies for the area are brought within the spatial planning framework to form a coherent set of policies and vision for the settlement. This should mean that mutually conflicting or incompatible objectives are resolved as part of the development planning process. It will be important in drawing up the Core Strategy to ensure that all stakeholders and all local community and other interests are involved in this process through rigorous consultation.

3. Sustainable development is the core principle underpinning planning. Does the current system achieve the right balance between economic growth and other goals, such as the regeneration of areas and the promotion of social cohesion, improving the quality of design of buildings and urban environments, and the protection and enhancement of our natural and historic environment? Are some environmental, natural resource, or social considerations given too much or too little weight?

We support the view that sustainable development should be the core principle underpinning planning. There is a need to give greater emphasis to the principles of achieving social, environmental and economic objectives together rather than suggesting it is a trade-off between them. It is also important to recognise the contribution an appreciation of the historic and natural environments can make to other social, cultural and economic objectives, such as social inclusion, citizenship, education, community health and sustainable regeneration.

There does not need to be a choice between protecting the historic environment and regeneration or rural development. Through constructive conservation, buildings, monuments, settlements and landscapes can improve quality of life for communities and have an economic future. The best

regeneration projects and new development are those that respect and enhance the historic environment.

In most cases, change and investment is necessary to sustain heritage assets and to keep them in use – if not for their original use, then for another purpose appropriate to their historic significance. Often the key question is how to manage an historic building's conversion so that it meets modern needs, yet retains valued features. By identifying what is significant about a listed building or scheduled monument we can ensure that the changes to the building enhance that significance while giving latitude in other parts of the building that are not so significant. Implementation of the Heritage Protection Review will help by making sure that comprehensive information on the significance of a particular place is contained within its entry on the designation Register.

It is essential that, in parallel with the Heritage Protection Review, the relevant government planning policy guidance is updated. At present there is no timetable for the revision and amalgamation of PPG 15 *Planning and the Historic Environment* and PPG 16 *Archaeology and Planning* to the proposed PPS 15. This will cover planning policy for the whole historic environment including archaeology. English Heritage wishes to see the revised guidance re-state the strengths of both documents, provide an integrated, robust and comprehensive statement of the importance and benefits of conserving the historic environment and reflect the philosophy of constructive conservation as exemplified in our *Conservation Principles* which will be published for consultation shortly.

English Heritage recognises that the principles on which conservation decisions are made have not always been clear. There have been occasions where planning decisions have appeared to be inconsistent or not easily understood by the public. The *Principles* are being developed to improve the quality, consistency and transparency of decision making at both national and local levels.

English Heritage has in the last two years actively promoted our engagement with Local Planning Authorities, developers and other partners. We want to engage at the earliest stages on large scale developments that have significant implications for the historic environment and to have more involvement in pre-application advice. We have set out this approach in *Planning and the Historic Environment: A Charter of English Heritage Advisory Services*. Other recent documents English Heritage has produced to aid developers and other partners includes *Retail Development and the Historic Environment*, *Low Demand Housing and the Historic Environment*, *New Works in Historic Places of Worship* and *the Future of Historic School Buildings*. Examples of how understanding the historic environment at an early stage can contribute to better development are contained in *Using Historic Landscape Characterisation*. We have launched a comprehensive training programme (Historic Environment – Local Management or HELM) aimed at all those in the local government sector who are involved in decisions with heritage implications.

4. What, if anything, could the English planning system learn from the planning and consent systems operated in other countries in order to respond to this new economic environment?

English Heritage's remit means we have limited experience of the planning systems in other countries and there are others better placed than ourselves to give a detailed answer. However we recently compared the way England protects its historic environment with the rest of Europe. The key point to emerge was that more transparent systems for managing the historic environment work better than less open ones.

5. What is the impact of planning on encouraging or impeding business investment? In this context, how would you assess the potential of recent reforms to the English planning system, which are now being implemented? Are they increasing the transparency of the system and providing greater certainty for businesses? What further reforms, if any, are desirable in order to improve the transparency and effectiveness of the system still further?

We are told by developers that what they seek is certainty. The new spatial planning system and the encouragement to hold pre-application discussion should help with this. English Heritage has been working closely with DCMS and ODPM on the Heritage Protection Reforms which are feeding directly into an enhanced and more efficient planning system. The core proposals of the Heritage Protection Review are:

1. **A new unified Register of Historic Sites and Buildings of England (RHSBE)** offering an holistic approach to the statutory protection of the historic environment through a single designation regime and new over-arching definition of 'historic assets'.
2. **A reformed heritage consent regime** that will be implemented by local authorities, with assistance from EH. It will build on the best of the present systems and is likely to distinguish between:
 - below ground (and water) archaeology and monumentalised structures;
 - historic buildings and structures suited to adaptive re-use;
 - historic landscapes and seascapes.
3. **Voluntary 'heritage partnership agreements'** that provide an alternative management regime for:
 - large assets;
 - complex entities that comprise many similar or several different assets;
 - assets of a similar type in single ownership or management, but in dispersed locations;
 - assets that are better managed alongside other regimes (e.g. in the natural environment).
4. **New statutory requirements relating to Historic Environment Records.** Local authorities will be required to maintain or ensure they have access to a HER that meets nationally defined standards. These

are likely to relate to data protocols, interoperability and the inclusion in HERs of:

- a local section of the RHSBE and local sites and buildings at risk registers;
- relevant data from the national RHSBE maintained by EH
- details of the local coastal and marine historic environment (where relevant)

6. Is the planning system sufficiently “joined-up” with other related aspects of government policy? In particular, are Regional Economic Strategies delivering a clear economic framework to help inform Regional Spatial Strategies? Is there sufficient interaction between RDAs and RSSs when preparing their respective regional strategies and if not how might greater interaction be encouraged?

No system is perfect and the current planning system is not as joined up as it could be, especially as it now has a central role of delivering sustainable communities. The overall structure of Regional Economic Strategies informing Regional Spatial Strategies is a helpful one. Housing is one area in particular where planning needs to bring policy and allocation together with delivery. Planning has a major impact on regeneration and greater integration is desirable between the planning element of local authorities, regeneration agencies and, where appropriate, other agencies such as English Heritage working alongside the developer. Where this works well such as the Grainger Town area of Newcastle, benefits are very much increased. These benefits go beyond those of direct interest to English Heritage and include such things as encouraging more and a wider mix of residents.

There should be reciprocal relationships between the RSS and the RES. Whilst planning policy emphasises the need for co-operation across different strategies as they evolve, it is essential that this occurs and the potential problems associated with competing strategies do not occur. Other factors aside from economic considerations, such as the regeneration of deprived areas, and the creation of conditions to allow sustainable development, should be taken into consideration when the RSS is being developed.

7. Planning applications for major projects will typically take a considerable time to work through all the necessary stages. Do you consider the system puts too much emphasis on speed or do you feel that is too slow? If there is an undue emphasis on speed, what are the negative consequences of this and how could they best be avoided? If the process is too slow, what could be done to overcome delays? In particular, what improvements might be made to the planning appeal system to improve its speed and efficiency?

English Heritage is consulted on thousands of applications in a year, many of these are for medium to large planning proposals that go beyond a single building or historic asset. We have achieved a dramatic improvement in our turn-around times and now deal with all applications within the 21 day period

allowed or within an extended period agreed with the local authority. We have also placed much more emphasis on pre-application discussion.

Whilst achieving this improvement in speed is important, we are mindful that achieving high quality outcomes does take time. In many built up areas where major projects are proposed, there are often very complex issues to be tackled involving environmental issues. Most planning authorities are prepared to take the extra time needed to achieve a high quality outcome, but the measuring of local authorities' speed of response has led to some hasty decisions. On occasions English Heritage has asked for 'call-in' to allow the issues to be properly considered, but this has the danger of portraying us in a negative light.

Delays can be caused by the negotiation of S106 agreements which can also add significantly to the costs. The introduction of best practice guidelines and targets for planning authorities have led to improvements. Pre-application meetings can also help. One potential solution to reduce delays, especially on complex cases are the current pilots for Planning Delivery Agreements, which could provide greater certainty of delivery of permission and led to agreed timeframes for the delivery of planning decisions

We do not have firm evidence to suggest that the system is either too slow or too fast, other than in a number of individual cases we have had direct dealings with. On balance, we believe that the changes to the development control system have improved the overall service the public gets but there are still areas where increased efficiency can be achieved. We continue to look at our own practices to improve our performance and maintain the high quality of our service.

8. Is there evidence to suggest that direct costs of making a planning application are deterring investment? Are there any unnecessary burdens? How might information requirements be streamlined to reduce the regulatory burden from the process of making an application?

We have no evidence that the direct costs of applications is deterring investment. The overall costs of the planning process tend to be small compared to the potential gains from the investment returns. Businesses see planning controls and changes for making a planning application as an acceptable part of their business. What they want is certainty and pre-application discussion should be used as a way to allow businesses to understand whether their proposals are likely to succeed, at a very early stage before they have invested in developing them. A firm, fair and efficient planning system also acts to protect existing investment from inappropriate development close-by.

We are encouraging owners of sites which include historic environment assets, and have development aspirations to engage with us and the local planning authority at the earliest possible stage, before formal applications are

submitted. We have also set out to applicants and local authorities what documentation we feel will be required to support applications.

9. To what extent are high occupation costs in England likely to be due to planning constraints, or due to other factors such as imperfect competition or lack of transparency in the land market? What is the economic impact of these costs in terms of the main drivers of productivity?

We are not aware that there is a firm evidence base for this assertion. Differentials in costs such as office rents, can be due to a multitude of factors other than planning. We are not sure how it would be possible to trace the impacts of planning and other factors, as impacts felt through the property market initially spread out through the whole economy.

10. How does the planning system impact on competition, through influencing barriers to entry and exit and economies of scale? If there are areas where there is a negative impact, how can these be addressed, while protecting other goals of the planning system?

We have no evidence that the planning system impacts on competition. Local planning authorities could be encouraged to be more pro-active under the LDFs, local development frameworks, to help firms find new premises if they are unable to expand or modernise at their existing site. This might be done through strengthening the links between the economic development and planning functions of authorities.

11. To what extent does the planning system effectively support innovation through fostering the formation of business clusters and wider agglomeration of economic activity?

One of the benefits of the new spatial planning system is that in LDFs it should be possible to promote the formation of business clusters.

12. Do planning authorities have the skills and resources required to help promote sustainable economic development? If not, what is the best way to ensure that resources match the challenges the system faces? Are there ways to increase further efficiency of process?

There is a shortage of skills in local authorities in understanding, promoting and creating sustainable communities, which is understandable. We are beginning to see bodies like the Academy for Sustainable Communities take steps to address this.

English Heritage is directly addressing the skills issues in local authorities, particularly through HELM – Historic Environment, Local Management www.helm.org.uk. HELM is a comprehensive training programme aiming to improve decisions that impact on the historic environment by raising

awareness of its intrinsic value among non-heritage professionals. English Heritage wishes to reach decision-makers within local authorities and government agencies, in particular elected members and officers such as planners, highways engineers and estate managers.

The HELM website attracted over 120,000 visits this year, we have over 200 pieces of guidance available to download including such topics as *Retail Development in Historic Areas*, *Guidance on the Management of Conservation Areas* as well as many examples of good practice regeneration and planning which are included in publications such as *Shared Interest: Celebrating Investment in the Historic Environment* and *Capital Solutions*. In 2006-07 we trained more than 1000 people, most of them local authority planning and environment-related professionals

We are also working with elected members to help them understand how the historic environment can be used in a positive way to deliver their priorities. This is through the *Historic Environment Champions* initiative. More than 40% of local authorities now have Champions and we expect that figure to exceed 50% shortly. A strand of the HELM training programme deals specifically with this group and we believe we are improving their skill levels and helping them to make better decisions; thus contributing to a more efficient planning system.

Since the 1990s we and CABE have been aware of the dearth of Urban Design Skills in the public sector and have tried to find ways of addressing it. But it has taken several years to make impact. Like urban design, skills in planning, making and promoting sustainable communities do not come from attending one course and coming out a fully fledged “sustainable community expert”. It is a whole of working life education process and people need the continuous professional development (CPD) to keep their skills up and be up to date with new developments in the field.

13. Are the new arrangements for stakeholder engagement in the plan-making process succeeding in engaging those representing economic interests, including SMEs? If not, what are the barriers to that engagement and how might they be addressed?

SMEs are regarded by both local authorities and government bodies and agencies as some of the most difficult stakeholders to engage with, and yet their entrepreneurial skills are what needs to be harnessed to successfully regenerate areas. English Heritage has some engagement with these groups, through area grant schemes and other means and we see similar barriers. Engaging with wider groups takes significant amounts of time and resource

14. Are there ways that the incentive structure for decision-makers and local communities can be improved so that a balance is achieved between local interests and the interests of the wider community regarding proposals for economic development?

Any development should provide real and tangible benefits for the local community. These must not just be potential economic benefits but also real social benefits that strengthen the community. Some local communities have complained that after major developments have been completed, they see few practical benefits and their quality of life was not necessarily improved. With the revisions to S106 and the proposals for Planning-gain supplement, there is the potential to deliver real tangible benefits. It requires the local authorities to be properly tooled up to be able to take the capital raised and use it in the locality of the development to bring tangible benefits. The LDF structure should help with this.

15. Economic development can help achieve the regeneration and renaissance of urban and rural areas. Are there ways which planning could strengthen economic performance in regions, sub regions (including city-regions) and at local level?

The impact of planning in the past 25 years in delivering economic development with regeneration and renaissance of urban and rural areas should not be overlooked. If the local development frameworks, when they are all produced, do work as models of pro-active spatial planning, then they will have identified areas for development opportunities and helped give developers and investors more certainty, which should encourage the investment needed to revive areas. Over the past two decades, English Heritage has invested considerable sums in historic areas, which have undergone successful regeneration. Even where our investment is relatively small, we can demonstrate that it has catalytic effect in drawing in other investment, by highlighting the quality and potential of the area. These successful projects work best where they are based on a broad partnership and the planning function of a local authority works in synergy with the regeneration function.

What is far more difficult to achieve is an outcome which spreads investment over a wide area, to avoid both 'hotspots' and 'coldspots'. Our experience of working with planning authorities suggests that those with a robust plan and a drive to deliver sustainable solutions will be more successful. The Liverpool Ropewalks project is a successful example of this.