

History lesson in planning applications

The **Heritage Bill** may have been shelved, but the historic environment must still be respected by developers. *Robert Hill* explores the issues

The abandonment of the Heritage Protection Bill does not mean that proposed changes to the protection of historic sites in England and Wales have gone away. The government has reiterated its aim to continue the reform of heritage legislation. It proposes, among other actions, a new English planning policy statement that “brings together planning policy and all aspects of the historic environment”. A similar statement has been issued by the Welsh Assembly. Scottish ministers will be consulting, in 2010, to amend existing heritage legislation in order to make it more effective and efficient.

Heritage, or the historic environment, means different things to different people. Under current legislation, its meaning is wide-ranging and includes obvious features such as listed/scheduled/protected structures. These vary from milestones, through all types of buildings to cranes and ruins. It also encompasses underground and underwater archaeology and historic man-made landscape. Less obviously, it includes transient historic landscape (battlefields, for example), conservation areas and World Heritage sites.

The mention of “heritage” or “historic interest” in connection with a site is anathema to many within the development sector. It conjures up visions of interminable planning delays, emotional objectors and increased costs.

Where do problems begin?

There are many ways in which the heritage element of a site may cause difficulties during the planning process. This is often because of the way in which the application is perceived and handled by the local planning authority (LPA) and often relates to a lack of information from the applicant, arising from an inadequate understanding of what aspects of heritage are present or from trying to hide these aspects in an attempt to avoid problems.

Problems can sometimes be caused by a lack of experience on the part of LPA staff in knowing how to evaluate information relating to heritage; this can be compounded if the applicant supplies insufficient information.

Local and national opposition can also result from inadequate information. In turn, this can lead to emotional responses from local and community groups over perceived changes to the historic environment or to opponents using heritage protection as a blocking tactic.

Occasionally, applicants are reluctant to provide the necessary information in case it is used by objectors. This is all too often an excuse for a poorly prepared application.

Accurate information

However, a change of approach can help to facilitate the process of obtaining planning consent.

The government has issued guidance as to how heritage issues should be considered and handled by both sides during the planning process. In England and Wales, this is dealt with by planning permission guidance notes (PPG 15: Planning and the Historic Environment and PPG 16: Archaeology and Planning) and in Scotland by planning policy notes (SPP 23: Planning and the Historic Environment). A core element of these documents is a strong recommendation that the LPA and the applicant need to consider the full effects of a proposal on the heritage aspects of a site.

Since an LPA can base its consideration and response only upon the information that is submitted with the planning application, the difficulties encountered by the applicant often arise from a lack of detail. Problems should be dealt with before they arise.

The applicant therefore needs to show that it is aware of how the proposal may affect any heritage aspects. This means that the design team must have sufficient experience of providing the necessary level and type of supporting information relating to any effects upon heritage. A heritage audit can help and will include, where appropriate, historic building measured survey and analysis, archaeological evaluation, historical background and development.

This information will show an awareness of the significance of site heritage and the level of protection or mitigation to be given in respect of its importance; this will include an explanation of the design development and why specific items are either retained or lost. Allowance should be made to recover hidden information during development.

This form of pre-application investigation is similar to that for a contaminated site. The reference illustrates an approach that is well established within the development sector. In short, this is a historic environmental impact assessment (HEIA).

The research required to prepare an adequate HEIA and the information that it yields will prove useful at later stages in the development, thus justifying its cost.

Accurate historic building surveys can improve structural analysis, reveal the

historic fabric and be used by the project designers for development and planning drawings. They will also avoid the requirement for a separate record survey as a planning condition.

The analysis of historic buildings can show the historic development/phasing, the significance of the relevant parts of any structures and justify what is to be retained or lost. (Again, this will avoid the need for further record analysis being applied as a planning condition.) An improved understanding of the heritage elements of a site can make the specification of works more accurate and save subsequent contractual claims for unexpected items.

Below ground or water evaluation to ascertain the extent, depth and significance of any archaeological finds can be used to inform groundwork design and minimise or even design-out any effect upon them.

Historical information can be a useful pre-development and post-development marketing and publicity tool.

Be efficient

The planning application process is generally the same as for any other type of site. However, it is necessary to have a good understanding of the extent and significance of heritage aspects and how these will be treated.

If the required level of information is provided as part of the application, the planning consideration period will be far lower. Fewer public objections will arise because rumour and supposition will be replaced with facts supported by accurate information, resulting in a reduced risk of rejection. Should rejection occur, success at appeal is likely to be increased.

Dealing efficiently with the planning process will enable the works to begin more quickly because pre-development obstructions will have been removed and on-site heritage mediation will be programmed in, thereby easing the development process. Moreover, a streamlined planning and development programme reduces interest charges on funding and brings forward income streams.

The little extra work required to provide a well-supported application will be repaid by savings made through the reuse of the information elsewhere in the project and the time and other cost savings that can be achieved.

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