



## A guide for heritage groups

### A guide for heritage groups

The Planning and Compulsory Purchase Act, which came into force September 2004, requires Local Planning Authorities (Borough, District and Unitary Councils ) in England and Wales to have a Local Development Framework (LDF) in place by Spring 2007. Local Development Frameworks replace the existing system of Unitary Development Plans, Local Plans and Structure Plans.

Heritage groups are particularly well placed to assist their Local Planning Authority in developing a robust evidence base by contributing their knowledge, skills and understanding of an area's history and important features. Together with the Regional Spatial Strategy, LDF policies and proposals will provide the starting point in the determination of planning, listed building and conservation area consent applications. It is vital that these documents address policy areas relevant to heritage. This briefing note has been prepared by Heritage Link to highlight key policy areas and campaign themes that you may encounter.

Scrutinising and influencing the contents of the LDF is essential. Consultation on LDF documents is your chance to get involved in shaping the policies that will dictate how your area develops in the future. Heritage groups need to lobby to influence the content and wording of local planning policies, and to be able to use them to argue effective support for their case to planning authorities. Local Development Frameworks policies and proposals will form the basis of the plan-led system. This means that they must be followed unless material considerations weigh against them. Heritage groups need to be involved from the start in the formation of such policies, to ensure heritage issues are effectively considered.

**A Local Development Framework** is a spatial strategy, rather than a land-use plan. It should address a broad range of issues affecting the nature of places and the way they function and contain spatial as well as land-use policies. The new system places a strong emphasis on working with others and the need for policies to be



## Heritage Link

- > **Influencing policy**
- > **Underpinning Advocacy**
- > **Building Capacity**

locally distinctive and able to be implemented by a variety of means in addition to the grant or refusal of planning permission. This broader approach is both a challenge and an opportunity to put forward constructive suggestions for positive protection, management and enhancement of heritage and recognition of its existence and value.

As part of their LDF, local planning authorities will be able to produce Area Action Plans, setting out more detailed proposals and policies for areas of change or conservation. These will be Development Plan Documents and have much stronger status than conservation plans or supplementary planning guidance. Area Action Plans should provide a positive tool for protecting and managing the historic environment, by bringing together appraisals, development control policies, proposals and management programmes.

### What is a Local Development Framework?

A LDF is a folder of documents comprising:

- |   |  |
|---|--|
| > <b>Statement of Community Involvement</b> |  |
| > <b>Development Plan Documents (DPDs)</b>  | These are statutory & subject to independent examination |
| – Core Strategy/policies                    |  |
| – Proposals Map                             |  |
| – Area Action Plans                         |  |
| – Site specific land allocations            |  |
| > <b>Supplementary Planning Documents</b>   | These are non statutory but a material consideration     |



## Local Development Frameworks – Key Stages of Production and Involvement

### Local Development Scheme

**(LDS):** This is a programme management plan describing which local development documents the local planning authority intends to produce over the next 3 years and what policies will be 'saved' from existing plans. The LDS will specify the geographic area covered, timetables, key milestones, monitoring arrangements and resources required. Local authorities are not required to consult on their local development schemes. It is in your interest to suggest documents you consider need to be produced, such as supplementary planning documents, conservation Area Action Plans, or policies that should be kept or reviewed, perhaps because they are out of date or otherwise inadequate. If you know of an area that would benefit from an Area Action Plan, suggest this to your local planning authority.

### Survey and Evidence Base:

Local planning authorities are required to carry out a survey and produce an evidence base, which heritage groups should assist with and where appropriate support. It is important that local planning authorities have an understanding of what exists already before deciding what to change.

### Statement of Community

**Involvement (SCI):** This will set out how the local planning authority intends to consult the community in preparing the LDF and on 'significant' planning applications. Your comments will assist the local planning authority ensure that relevant groups are properly involved in the production of planning policies and proposals. Take care to ensure their definition of 'significant' is as wide as possible, so that, for example, it covers works which are structurally

minor but visually high-impact or could set a damaging precedent.

### Strategic Environmental

**Assessment (SEA):** is required by European Directive 2001/42/EC for plans begun after 21 July 04 and any not adopted by 21 July 06, which are likely to have a significant effect on the environment. Under SEA local planning authorities must consider alternatives, their environmental implications, including effect on heritage, and produce an environmental report. Local planning authorities must use SEA in drawing up their preferred options and development plan documents. SEA will form part of a wider Sustainability Appraisal, which is required by UK law, which considers economic and social, as well as environmental, effects.

**Issues and Options:** Most local planning authorities are likely to consult, albeit informally, interested bodies and organisations in drawing up initial issues and options. This is an opportunity to become involved and influence the process at an early stage. But don't wait to be asked. Tell your local planning authority about the issues you think are important. Ask how you can help or become involved. Local planning authorities are only required to consult groups they consider relevant at this stage. Should they consider you irrelevant, explain that you are concerned not only with heritage related policy, but about the effect of other policies and proposals on heritage.

**Preferred Options:** Local planning authorities must publish and consult on preferred options over a six week period. These should be based on a thorough understanding of the needs of and opportunities in their area and be informed by Strategic

Environmental Assessment and Sustainability Appraisal. This is a statutory consultation and a vital stage at which to put forward your views and suggestions.

### Publication of Draft Development Plan Documents:

Before a DPD may be adopted, local planning authorities must publish a draft DPD, submit it to the Secretary of State for independent examination and invite comments (representations) over a six week period. These may be objections or supporting statements. Objections should include suggestions for amending policies, and/or explanatory text, where these are ambiguous, incorrect, lacking essential information or poorly expressed. It is important not to miss the opportunity to comment at this stage as the local planning authority is not allowed to take late representations into account. DPDs include the LDF core strategy, site allocations, area action plans and development control policies. You should press for heritage issues to be addressed in the core strategy policies, objectives and proposals and in Area Action Plans (which cover areas of change and conservation). The proposals map will identify specific heritage features such as conservation area boundaries. Check these carefully. Your local planning authority will not respond directly to objections or supporting statements but they will be taken into account at the Independent Examination.

**Public Examination:** For Development Plan Documents and Statements of Community Involvement, an Independent Examination is held before an Inspector, appointed by the Planning Inspectorate to assess the 'soundness' of these documents. Only people

## < Local Development Frameworks – Policy Issues >

submitting a representation seeking a change have a right to be heard at the Independent Examination. Evidence may also be submitted in writing. The examination may take the form of an inquiry, informal hearing or round table discussion, as the inspector considers appropriate. Local planning authorities are not allowed to change the Development Plan Document before the examination. Representations will be considered by the Inspector through the examination process. If you wish to appear you must have made comments seeking a change on the DPDs during the statutory consultation period.

- **Adoption of the DPD:** The Inspector prepares a report recommending changes to the DPD. The Inspector's report is binding on the local planning authority and their recommendations are, effectively, directions. Thus, it is vital that you influence the Inspector's thinking when he or she reviews the Development Plan Documents and Statement of Community Involvement.

### **POLICY ISSUES**

Heritage is integral to sustainability and quality of life. Making the best use of the historic environment in the town and country makes sense, given its huge contribution to education, tourism, regeneration, economic, environmental and social inclusion objectives. There is enormous untapped potential, but also much at stake where heritage, its significance and potential remain unrecognised and undervalued. Heritage policies and proposals in LDFs require your scrutiny as expert watchdogs in your field. Local planning authorities will be under significant pressure to limit

the number of policies in their LDFs and the wording of heritage policies and the way heritage issues are addressed in other policy areas such as housing, transport, streetscape design, mineral and economic development, will be critical.

Proposals maps are a fundamental way in which the intentions of the LDF are defined geographically and they must take account of features and areas of historic interest. Where land is allocated for particular development (especially housing, large industrial or commercial development or minerals) there are likely to be significant implications for the historic environment. The LDF will need to show that such allocations are compatible with natural and local heritage conservation policies. This includes 'Brownfield' sites where the interaction between heritage, ground contamination and development can be very complex.

Heritage, by its very nature, is crosscutting and will be relevant to several topic areas and chapters. We set out below our top policy areas to help guide you (in no particular order of priority). You may have others – make sure you include them in your representations.

### **Access & Inclusion**

New regulations under the Disability Discrimination Act require a commitment to access for disabled people from service providers and for 'reasonable adjustments' to be made to physical features of their premises to overcome physical barriers to access. LDFs should include a policy for improving access to/through the historic environment and buildings and for facilities to be well designed and sensitive to the character of the area. By taking this approach, changes can be felt as an integral part of character rather than as an intrusion. This commitment should be

extended to all groups of the community whether it be a safe route for children to reach a local park or ensuring that those without a car are able to visit cultural facilities and landmarks.

The historic environment can deliver a sense of belonging but only by making people feel welcome and informed about why it is relevant to them. Planning authorities should recognise that accessibility to the benefits of the historic environment occurs on an intellectual as well as physical level. There should be a policy for encouraging such access by providing information explaining the role of an historic feature as a local resource or about how the historic character of an area can inform changes being made.

### **Tourism**

The historic environment makes a significant contribution to character and sense of place and it can be a major tourist attraction. Policies to promote tourist facilities and the growth of a tourist industry should recognise this and protect heritage assets. For example, they should support the retention of Listed Buildings and locally significant features and identify and protect Conservation and other historic areas. Tourism increasingly plays a key role in regeneration and economic development policy and it is important that this recognises the value of the historic environment.

### **Arts & Culture**

The local historic environment, in its widest sense, is a powerful source of local identity and pride, as well as a valuable cultural and educational resource. LDFs should include policies and proposals identifying provision, protecting existing and enhancing cultural heritage. This should acknowledge the importance of the historic environment as an integral part of the cultural

## ◀ Local Development Frameworks – Policy Issues ▶

environment of the area. There should ideally be a policy for culture, specifically identifying heritage as a part of it.

### **Historic Townscape & Landscape**

Policies are required for the protection, conservation and enhancement of the built and natural environment. While this principally relates to Buildings of Special Historic or Architectural Interest (Listed Buildings) and Conservation Areas, policies should also recognise the importance of, and afford some protection to, the undesignated historic environment. It is important to remember that conservation area status is just as applicable to rural areas as it is to urban areas.

LDF policies should address the following:

- support the retention of Listed structures and Registered Landscapes, backed by policies controlling demolition, extension, alteration and inappropriate change of use;
- ensure proposals do not harm the setting, curtilage and historic context of Listed structures or landscapes;
- state that in exceptional circumstances other planning policies may be relaxed to enable the retention or sympathetic reuse of Listed Buildings, or to maintain the integrity of their settings;
- support the retention of unlisted buildings and structures within Conservation Areas, backed by policies that resist unsympathetic alteration and encourage the reinstatement of missing features;
- set out policy tests to ensure that new development and changes of use in Conservation Areas preserve and/or enhance the

character and/or appearance of such areas;

- require that a historical and architectural evaluation of an historic structure or landscape be undertaken as part of the planning process to ensure that decision-making is based on a proper understanding of their fabric and structure;
- secure the retention of distinctive local features e.g. old lamps, street signs, green spaces, cobbled roads, road layouts, landscaping, inland waterways, cemeteries and green corridors;
- ensure there is a policy on urban design requiring new development to respect local distinctiveness in order to preserve and/or enhance the historic townscape or landscape;
- secure the protection of trees, ancient woodland and individual ancient trees. Ancient woodland is land that has been continually wooded for at least 400 years and is irreplaceable;
- in rural areas, ensure that the historic interest of farm buildings and the character of the wider setting and landscape are retained in proposals for conversion or changes of use.

### **Historic buildings and features**

The historic environment extends beyond buildings, to include urban and rural landscapes, buildings and features, not all of which are designated. Ensure that your local planning authority has a Local List of locally significant buildings & features, drawn up in consultation with local groups. This should be supported by a policy in the LDF and a commitment to subsequent monitoring.

### **Conservation-led Regeneration & Economic Development**

The historic environment makes a major contribution to economic development and community well-being. Policies and proposals should maximise the environmental, economic and community benefits of heritage-led regeneration. Local planning authorities should support schemes that secure the restoration, repair and sympathetic re-use of historic buildings and areas.

In rural areas, diversification and economic policies should indicate a preference, and support, for land-based enterprises and activities which secure the continuing sympathetic management of the landscape.

### **Archaeology**

Archaeological remains give an irreplaceable record of most of our history as well as often contributing to the visible heritage. They are important both locally and nationally. There should be policies for the protection and care of archaeological sites and monuments and their settings. This should include an explicit presumption in favour of their in situ preservation where they are nationally important - whether or not they are scheduled monuments.

Since many archaeological sites remain undiscovered, policies should clearly acknowledge that the full extent and significance of remains is often uncertain. Policies should therefore explicitly provide for pre-determination evaluation of areas of archaeological potential, as well as providing for conditions to require preservation and/or recording of remains. This should include provision for appropriate dissemination of the results of such investigations to the public. Policies should ensure that where alteration or demolition of historic buildings and

## Local Development Frameworks – Policy Issues

areas is permitted, provision is made for archaeological investigation and recording significant elements that are to be removed.

### Design in Historic Areas

Policies should require new design to be sympathetic to its context, and for applications to justify the adoption of a particular design. This need not rule out modern design, but should ensure new development conserves or enhances its townscape or landscape setting. A "checklist" approach is not adequate; certain types of modern design may work well in some historic areas, yet be very damaging in others. Therefore local planning authorities should produce design policies which specifically address the character and needs of the local historic environment. These should preferably be backed up with practical

guide(s) (Supplementary Planning Documents) demonstrating the type of development or change sought and appropriate. SPDs must link to plan policies and be consulted on.

Because of this they may carry more weight in decision making than SPG hitherto.

### Characterisation

Both in England and Wales it is now generally recognised that the historic environment is "all pervasive". There are no areas which do not reflect past interaction of people with their environment. An on-going programme of Historic Landscape Characterisation has so far covered about half of England; in Wales there is a Register of Historic Landscapes.

Area characterisation describes a range of tools which combine local

community perspectives on an area with other sources of information to develop a clear overview of its evolved character. Information gathered can be used to develop principles and specific proposals to help manage change in positive ways. Many of the techniques used in area characterisation overlap with those used to facilitate debate at the local level. Others overlap with more semi-statutory procedures, such as Conservation Area appraisals or Local Lists. All draw upon professional expertise and can help inform statutory decision-making. LDFs should include policies that formally recognise the value of characterisation and its role in guiding decisions about the location, form and type of development.

## Drafting your comments

It is important to give reasons for your representations and, where you object, to provide evidence. You need to state clearly why you want changes and how you would like policies and proposals reworded. If you leave the planning officer to interpret your comments on any aspect of the LDF and redraft the necessary sections, it is likely that such redraft will not meet your objections fully. It is highly recommended that you specify the wording of revisions you are seeking. Remember to suggest amendments to the proposals map, site allocations and other material as well as to policies.

You might wish to propose new policies, explanatory text and proposals. Try to be pro-active and assist the Local Planning Authority by setting out in your representation your preferred version, or by suggesting extra policies to cover points which the plan does not address adequately. We recommend that you set out your representation as follows (unless your local planning authority advises otherwise):

- Policy number or paragraph number
- > objection/representation
- > reason for objection/representation
- > suggested alternative

Only those seeking a change to the plan (ie objecting) have a right to be heard by the Inspector at the Independent Examination. The Inspector may invite those who made supporting representations to the independent examination at his/her discretion.

### For further information

*Planning Policy Statement 12: Local Development Frameworks* see [www.odpm.gov.uk](http://www.odpm.gov.uk) – under planning policy

*Creating Local Development Frameworks: A Companion Guide to PPS12*, published by ODPM, Nov. 2004

The Campaign for Rural England's new planning help website [www.planninghelp.org.uk](http://www.planninghelp.org.uk)

Council for British Archaeology *Planning Fact Sheets* series see [www.britarch.ac.uk/conserve/planning](http://www.britarch.ac.uk/conserve/planning)

Further guidance will be available from:

The Planning Officers Society  
[www.planningofficers.org.uk/](http://www.planningofficers.org.uk/)

Combined guidance from English Heritage, the Countryside Agency, The Environment Agency and English Nature

## < Local Development Frameworks – Glossary of terms >

### **GLOSSARY**

#### **Area Action Plans**

More detailed plans, containing site- or location-specific policies and proposals for areas of change or conservation. Area Action Plans are Development Plan Documents which means they carry the full weight of the planning system. Their purpose is to deliver planned growth, stimulate regeneration, protect areas sensitive to change through conservation policies, make proposals for enhancement and resolve conflicting objectives in areas facing significant development pressure.

#### **Development Plan Document (DPD)**

A statutory document within a Local Development Framework, such as a document containing the core strategy, site allocations and development control policies, or an Area Action Plan.

#### **Local Development Document (LDD)**

Any document within the Local Development Framework, apart from the Statement of Community Involvement, whether a statutory Development Plan Document or non-statutory Supplementary Planning Document, is a Local Development Document.

#### **Local Development Framework (LDF)**

A portfolio of local development documents which together provide a spatial strategy for an area.

#### **Local Development Scheme (LDS)**

A project plan and timetable showing all local development documents a local planning authority intends to produce over the next three years.

#### **Planning Policy Statement (PPS)**

National planning policy statements from central Government. PPSs will replace Planning Policy Guidance notes over time. PPS12 covers Local Development Frameworks.

#### **Regional Spatial Strategy (RSS)**

RSSs replace Regional Planning Guidance and have statutory development plan status. They are produced by the Regional Assembly and approved by Government.

#### **Spatial Planning**

Spatial planning extends beyond land-use and is concerned with activities which affect the nature of places and the way they function

(PPS12).

#### **Sustainability Appraisal (SA)**

An appraisal of Local Development Documents which considers their environmental, economic and social impacts. This should address the historic environment.

#### **Statement of Community Involvement (SCI)**

A formal document describing how a local planning authority intends to involve the community and other stakeholders in preparing a LDF and significant development control decisions.

#### **Strategic Environmental Assessment (SEA)**

A systematic process of identifying and assessing the likely effects on the environment of a plan or programme. SEA should consider effects on the historic environment and inform decision making.

#### **Supplementary Planning Documents (SPD)**

Non-statutory planning guidance or policy that does not need to be in a Development Plan Document. SPD replaces Supplementary Planning Guidance.



Heritage Link  
89 Albert Embankment  
London SE1 7TP

Tel: 020 7820 7796  
Fax: 020 7820 8620  
email: mail@heritagelink.org.uk

Heritage Link is a Registered Charity and a Company limited by guarantee in England and Wales.  
Registered Charity No 1094793.  
Registered Company No 04577804.

Heritage Link was set up in 2002 to enable voluntary bodies concerned with the heritage to speak with a more collective and concerted voice.

With over 70 members, comprising national and regional organisations including the National Trust, Civic Trust, Council for British Archaeology, Campaign to Protect Rural England (CPRE), The Society for the Protection of Ancient Buildings (SPAB) as well as many more specialised heritage groups, it aims to influence policy, underpin advocacy and increase capacity.

Heritage Link provides a forum for members to formulate and promote policy on core issues as well as a support and information network. Apart from its membership work, a significant means of communicating information throughout the heritage sector is Heritage Link Update, the fortnightly e-bulletin now reaching an estimated 4000 mailboxes mainly in England, including local, regional, and central government and their agencies as well as voluntary organisations.

The guidance was produced by Heritage Link's Land-Use Planning Group, © Heritage Link November 2004