



The IHBC National Office
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15th May 2017

Dear Sir

**Consultation on draft Good Practice Advice in Planning Note 4,
Enabling Development and Heritage Assets 2017.**

The Institute of Historic Building Conservation is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all. We are very pleased to have the chance to comment on the consultation document.

The Institute's comments are as follows:

We understand that this new draft guidance note is to replace Enabling Development and the Conservation of Significant Places, published in 2008 and that it has been written to reflect changes resulting from the NPPF and other Government initiatives to incorporate new information and advice based on recent case law and Inquiry decisions. In comparing the 2008 version with the draft 2017 version the subject of the current consultation, IHBC note that the old version was over 64 pages long with a series of Appendices, whilst the new version is 17 pages long with no Appendices. Also a series of sample documents were included in the Appendices of the 2008 version, which are not in the draft Good Practice Advice in Planning Note 4, Enabling Development and Heritage Assets 2017.

IHBC welcomes the brevity of the new document, which is clear about the purpose of enabling development. IHBC notes the fact that the objective of the provision is to secure the future of heritage assets as a last resort. The draft document under consultation sets out the policy as set out in paragraph

140 of the National Planning Policy Framework (NPPF)¹.

IHBC suggests that clear presentation of the decision-making process and rationale are matters of great assistance to those taking the decisions and to professional advisors of applicants. We suggest that the purpose of guidance such as this is to take the mystery out of the process and to clarify the necessary steps, which an applicant must go through to make a successful application.

The new guidance document suggests that, where the preliminary assessment indicates that enabling development may be justified, a framework of seven steps is followed for the provision of a full case that meets the requirements of paragraph 140. IHBC welcomes the provision for proportionality and appropriateness to the specific circumstances of the heritage asset and the proposed scheme (concerning the extent and detail of the work entailed in each of the seven steps). IHBC understand and agree that the use of appropriate professionals for carrying out the analysis for development appraisal is recommended and documentation required is set out.²

The new consultation advice document has been restructured and is presented in the order of the seven steps referred to above. IHBC notes that some parts of the earlier advice have been incorporated into separate Planning Advice /Guidance. The new document does not focus on roles and responsibilities in the context of the local development framework. Nor does it deal with the legal basis for determining planning applications. IHBC has a concern that this may mean that those aspects of the process are less clear within the new framework proposed. It is helpful to cover all relevant aspects of law and practice in the single piece of guidance.

We understand that the financial requirements within the proposed framework are for specialist advisors and that the document stresses the need for appropriate specialist advice in the context of enabling development and heritage assets. We recognize that enabling development is a last resort that must be considered in the wider economic, social and environmental context. We recognize that this is a holistic assessment in order to satisfy paragraph 140 of the NPPF. We agree that a conservation management plan is likely to provide the information and assessment of significance that will help guide the decision. We welcome the emphasis on pre-planning discussion to clarify the steps to be taken for an applicant and to minimize expenditure on specialist advice in advance of providing the information necessary to inform such a holistic assessment.

¹ The NPPF recognises that a breach of policy may be justified if the development proposed would secure the future of a heritage asset. Enabling development is the last resort.

² A detailed floor area schedule

A justification for current market value

A justification for end value

Justification for any other costs

A sensitivity analysis

A suggested heads of terms for a Section 106 agreement including long term management and maintenance as appropriate.

IHBC notes that some of the advice in the 2008 version now forms part of Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: Note 2. IHBC notes that as a result much of Chapters 2, (apart from the importance of planning briefs) Chapter 3 (legal basis for determination of planning applications) and Chapter 4 (apart from the section on the need for a conservation management plan) do not form part of the new advice. Chapter 5 from the 2008 version on understanding the figures is largely in the new advice document. Most of chapter 6 on decision-making from the 2008 version is not in the new document apart from a section on the balance of advantage. Chapter 7 of the 2008 document on securing the benefits is largely in the new document.

IHBC questions why the new guidance does not contain more information on the decision-making process? IHBC notes that the new guidance document does not have any information on S106 agreements; nor does it contain the templates included in the appendices to the 2008 document namely: a template for an application for planning permission for enabling development; a template for an appraisal layout; a model invitation to tender for valuation and development consultants; a sample section 106 agreement or a sample outline management and maintenance plan. The new guidance does not contain specific information on legislation or planning decisions made there-under. Nor does it include a glossary. IHBC considers the Appendices from the former version to be have been useful and suggests that there is a need for such documents to be provided in draft format for guidance.

It is not clear to IHBC whether or not there is an intention at a later stage to provide Appendices to the draft document once the primary text has been agreed. IHBC wishes to flag these omissions, as we suggest that the templates assisted applicants and indeed decision-takers in streamlining the documentation, which it is necessary to provide in an application for enabling development. IHBC suggests that the interests of proportionality mean that the provision of templates is justiciable for the circumstances in particular concerning smaller developments, which would protect heritage assets. IHBC suggests that it is in the public interest that this form of guidance be made available as it would assist certain applicants complete the necessary documentation to provide the requisite level of information to satisfy the requirements of paragraph 140 with less expenditure.

Yours sincerely

A handwritten signature in black ink, appearing to read 'FN', written in a cursive style.

Fiona Newton
IHBC Operations Director