

The Heritage Alliance on the Localism Bill

On **31 May** the Alliance disseminated its [House of Lords Second Reading briefing](#) to Peers, in advance of the second reading on 7 June. We're also meeting with Peers in person. Keep up-to-date with the Bill's progress [here](#).

On **13 May** the Alliance disseminated its [Report Stage and Third Reading briefing](#) to Parliamentarians. The Report Stage and Third Reading has been set for 17 - 18 May. Keep up-to-date with the Bill's progress [here](#).

On **1 March** the Public Bill Committee reached Amendment 149 (to leave out paras 22 - 24 of Schedule 12 of the Localism Bill): the full debate can be viewed [here](#) (Columns 697 - 701). Minister for Decentralisation Greg Clark MP acknowledged that "as drafted, the Bill gives rise to understandable concerns on the part of the heritage community" and committed that "we will come back at a later stage with something that reflects the amendment's intention".

On **14 February** the Alliance submitted its statement of support regarding Amendment 149 to the Public Bill Committee. Click [here](#) to view the statement and list of supporting bodies in full.

On **3 February** The Heritage Alliance submitted its evidence to the Public Bill Committee regarding the Localism Bill. This memorandum has now been published on the Committee's website, [here](#) and can be viewed below.

THE HERITAGE ALLIANCE EVIDENCE TO THE PUBLIC BILL COMMITTEE:

LOCALISM BILL

1. The Heritage Alliance is the largest coalition of non-government heritage interests in England. Together its members own, manage and care for the vast majority of England's heritage.
2. Established in 2002 by the voluntary heritage groups themselves, the Alliance brings together 89 major organisations from specialist advisers, practitioners and managers, volunteers and owners, to national funding bodies and organisations leading regeneration and access projects. Their specialist knowledge and expertise across a huge range of issues - including planning matters and asset transfer - is a highly valuable national resource much of which is contributed on a voluntary basis for public benefit. They are supported in turn by thousands of local groups and around 5 million members, with a huge volunteer input of over 450,000 a year.
3. The Heritage Alliance welcomes the Coalition Government's intention to shift the balance of policy-making more towards the communities who care about them. Our research in 2005 *Making Consultation Matter* revealed high levels of participation in local planning but widespread frustration too.
4. The Localism Bill has a key role in protecting and enhancing our surroundings for the benefit of us all and for future generations to enjoy. Our main concern is to consider the implications of the Bill, as it currently stands, for the historic environment.
5. Our recommendations relate to three key areas:
 - How the draft Bill upholds the principles of our planning system
 - The degree to which the Localism Bill supports national heritage interests

- **The capacity and expertise of local people to determine and implement Neighbourhood Development Plans and Orders.**

How the draft Bill upholds the principles of our planning system

6. We would like to see the Bill clearly uphold the key principle of the UK's current planning system: to reach a balance between competing, but not always equally articulate, interests to ensure that long-term public benefit is achieved. The Bill should also state that sustainable development, balancing the sometimes competing needs of the environment, the community and the economy, is the objective of all plan-making including Neighbourhood Development Plans.

7. The National Planning Policy Framework (NPPF) is one of the key reference points for the Localism Bill. The NPPF should make it clear that the protection of the historic environment is of strategic importance and upholds the policies established in the recently issued and concise policy document PPS5.

8. In drawing up Neighbourhood Development Plans (NDPs), it is not clear which policies in Local Development Frameworks are so 'strategic' that they should be taken into account. We suggest that historic environment policies in Local Development Frameworks are always of strategic importance and should already form part of the Local Authority's Core Strategies. NDPs should be drawn up in conformity with overarching historic environment policies.

The degree to which the Localism Bill supports national heritage interests

9. We welcome the Coalition Government's intention that there should be no lessening in the level of protection for national heritage assets.

10. We welcome the proposed list of 'community' assets. This might be related to 'Local Lists' of heritage assets which many Local Authorities use in addition to national designations, when considering planning applications. Our historic environment provides 'roots' and a sense of place, frequently offering an identity or the symbol of the settlement. The evidence of past can often provide a basis for the 'future history' of a community and in a fast changing world, heritage and history offer continuity and a 'backdrop' to the immediate. These have a function just as potent as a post office or community centre and frequently provide the 'envelope' for community services.

11. We welcome the amendments to the enforcement rules making it easier for Local Authorities to tackle abuses of the system.

12. We welcome the changes to the community infrastructure levy which mean the levy on new development can be used on ongoing infrastructure costs (including those related to the historic environment) as well as capital costs

13. We are however concerned that Sections 66 and 72 of the Town & Country Planning Act 1990 would be amended by Schedule 12 (paragraph 23) of the Localism Bill. This removes the general duty, when Neighbourhood Development Orders are being drawn up, to preserve listed buildings (66(1)) as well as the duty to preserve and enhance the character or appearance of Conservation Areas (72(1)). While Neighbourhood Development Orders should always take account of nationally protected heritage assets, this paragraph could see the removal of planning permission for development which affects a listed building or its setting. The vast majority of nationally important archaeology is currently protected by planning permission rather than by scheduling and again could lose the existing level of protection if this paragraph were implemented as currently phrased.

14. Matters relating to nationally important archaeology; the setting of listed buildings and scheduled monuments; extensions to a listed place of worship that falls under ecclesiastical exemption; development in conservation areas; the protection of registered parks and gardens; and the protection of buffer zones around World Heritage Sites are of national importance and should be taken into consideration in drawing up Neighbourhood Development Plans and Neighbourhood Development Orders.

The capacity and expertise of local people to determine and implement Neighbourhood Plans

15. We welcome the intention of the Bill to empower and support local communities to get involved to improve their local environment. People care deeply about the historic environment: Civic Voice's recent poll rates the presumption in favour of conserving designated heritage assets *as by far the top planning policy most people want to keep (62.6%)*.

16. The Bill may only provide the statutory framework, but we must raise some practical issues which could be dealt with in guidance.

17. While Local Planning Authorities can support Neighbourhood Forums to draw up the Neighbourhood Development Plans by providing advice and expertise, we query the capacity of Local Planning Authorities to supply this essential enabling support in view of widespread budget cuts. Nor can Local Authorities support the Plans financially. As these could cost between £5000 - £250,000, and the community bears the cost of the Strategic Environmental Assessment too, this means that such plans may be concentrated in more affluent areas. Funding via the Community Infrastructure Levy may be limited in underperforming areas. The opportunities could also be open to abuse where there is private sector interest in the new system because of the potential financial benefits for developers and landowners.

18. The Bill states that a Neighbourhood Forum must have a minimum of three people who live or want to live in the area. It is not clear how the Local Authority is to decide on which group of 3 people best represents the community. Further guidance is required to avoid damaging conflict here, even a breakdown of neighbourliness. Unless the planning process does secure wide community involvement there are some real dangers that small numbers of possibly-unrepresentative people will set the agenda or conversely that neighbourhood forums will be unduly influenced by developer interests.

19. Although local interests are important and we do not underestimate the quality of expertise available in many local communities, there is also significant knowledge and expert advice in our national civil society, outside central and local government. Many of the Alliance's membership organisations, most notably the National Amenity Societies but also for example the Battlefields Trust and the Theatres Trust, are experts in their field. We recommend that these bodies should continue to be consulted on planning matters at the same level as at present.

20. There are millions of people who care deeply about historic environments, working or visiting them but without the residential qualifications for a parish council or neighbourhood forum. It is therefore vital the new concept of Neighbourhood Planning is placed firmly in line with the more strategic policies in LDFs and wider context of the National Planning Policy Framework, Planning Policy Statement 5 and other PPSs that have a key role in place shaping so that all can enjoy the social, educational, environmental and economic benefits of our heritage.

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