



ENGLISH HERITAGE

SOUTH EAST

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Your ref:
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20th May 2013

Dear Mr Opacic,

Winchester City Council Community Infrastructure Levy: Draft Charging Schedule Consultation

Thank you for your e-mail of 13th April advising English Heritage of the consultation on your Council's Community Infrastructure Levy Draft Charging Schedule. As the Government's Statutory Advisor on the Historic Environment, English Heritage is pleased to make the following comments.

English Heritage advises that CIL charging authorities identify the ways in which CIL, planning obligations and other funding streams can be used to implement the policies within the Local Plan aimed at and achieving the conservation and enhancement of the historic environment, heritage assets and their setting.

The Community Infrastructure Levy covers a wide definition of infrastructure in terms of what can be funded by the levy and is needed for supporting the development of an area. This can include:

- Open space: as well as parks and green spaces, this might also include wider public realm improvements, possibly linked to a Heritage Lottery Fund scheme, conservation area appraisals and management plans, and green infrastructure;
- 'In kind' payments, including land transfers: this could include the transfer of an 'at risk' building;
- Repairs and improvements to and the maintenance of heritage assets where they are an infrastructure item as defined by the Planning Act 2008, such as cultural or recreational facilities.

The Localism Act 2011 also allows CIL to be used for maintenance and ongoing costs, which may be relevant for a range of heritage assets, for example, transport infrastructure such as historic bridges or green and social infrastructure such as parks and gardens.

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Historic buildings may offer opportunities for business or employment use – infrastructure to support economic development. Investment in heritage assets (e.g. listed buildings at risk) and the wider historic character of a place (e.g. conservation areas at risk) may also serve to stimulate and support the tourism offer and attractiveness of a place to retain and attract economic development, which may be particularly important in supporting the viability of town centres. Conversely, vacant or underused heritage assets not only fail to make a full contribution to the economy of the area but they also give rise to negative perceptions about an area and discourage inward investment.

We therefore suggest that the City Council should consider whether any heritage-related projects within Winchester district would be appropriate for CIL funding. The Local Plan's evidence base may demonstrate the specific opportunities for CIL to help deliver growth and in so doing meet the Plan's objectives for the historic environment.

The Council should also be aware of the implications of any CIL rate on the viability and effective conservation of the historic environment and heritage assets in development proposals. For example, there could be circumstances where the viability of a scheme designed to respect the setting of a heritage asset in terms of its quantum of development could be threatened by the application of CIL. There could equally be issues for schemes which are designed to secure the long term viability of the historic environment (either through re-using a heritage asset or through enabling development).

Paragraph 126 of the National Planning Policy Framework requires that local planning authorities set out, in their Local Plan, a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In relation to CIL, this means ensuring that the conservation of its heritage assets is taken into account when considering the level of the CIL to be imposed so as to safeguard and encourage appropriate and viable uses for the historic environment.

We consider it essential, therefore, that the rates proposed in areas where there are groups of heritage assets at risk are not such as would be likely to discourage schemes being put forward for their re-use or associated heritage-led regeneration. In such areas, there may be a case for lowering the rates charged.

In addition, we are encouraging local authorities to assert in their CIL Charging Schedules their right to offer CIL relief in exceptional circumstances where development which affects heritage assets and their settings may become unviable if it was subject to CIL. We also urge local authorities to then offer CIL relief where these circumstances apply and it is of concern to us that the City Council does not recognise such circumstances nor wish to offer such relief in them.

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For clarity, we would recommend that if such exceptional circumstances are recognised, following guidance set out in the Community Infrastructure Levy Relief Information Document (2011), the conditions and procedures for CIL relief be set out within a separate statement following the Charging Schedule. The statement could set out the criteria to define exceptional circumstances and provide a clear rationale for their use, including the justification in terms of the public benefit (for example, where CIL relief would enable the restoration of heritage assets identified on English Heritage's Heritage at Risk Register). For clarity the statement could also reiterate the necessary requirements and procedures which would be followed in such cases, including the need for appropriate notification and consultation.

It should also be remembered that development-specific planning obligations may still continue to offer further opportunities for funding improvements to and the mitigation of adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets.

English Heritage strongly advises that the City Council's conservation staff are involved throughout the preparation and implementation of the Draft Charging Schedule as they are often best placed to advise on local historic environment issues.

I attach an Appendix to this letter that sets out some background information on the relationship of Infrastructure with the historic environment which I hope will be helpful in explaining English Heritage's position on infrastructure and CIL.

If you have any queries on the points raised in this letter, please contact me.

Yours sincerely,



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INFRASTRUCTURE AND THE HISTORIC ENVIRONMENT

Infrastructure

The National Planning Policy Framework endorses the role of the historic environment in sustainable development. It notes that pursuing sustainable development involves seeking positive improvements in the quality of the historic environment. There can often be a range of ways in which the historic environment can contribute to and benefit from the range of infrastructure and investment needs that are required for sustainable development and communities.

Physical Infrastructure

Heritage assets can help to deliver a range of infrastructure needs associated with housing, economic development and sustainable transport networks.

Historic buildings within or in the vicinity of a settlement may offer opportunities for residential reuse, including for affordable housing [see *Affordable Rural Housing and the Historic Environment*, <http://www.helm.org.uk/server/show/nav.00h015005004>].

Heritage assets can be economic assets in their own right and support the regeneration of areas as well as the tourism economy. For example, the adaptive reuse and repair of historic buildings may offer opportunities for business or employment use. More generally the investment in heritage assets (e.g. buildings at risk), and the wider historic character of a place (e.g. conservation areas at risk) may also serve to strengthen and reinforce the attractiveness of a place to retain and attract economic development and to stimulate and support the area's tourism offer. Investment could be directed to establishing or extending area-based schemes aimed at regenerating valued historic townscapes, as exemplified by Townscape Heritage Initiatives funded through the HLF. Specific opportunities may also exist to further develop the tourism offer of established heritage assets open to the public and their links to nearby settlements.

The following publications illustrate practical examples of where the protection and adaptation of historic places through active management (constructive conservation) has delivered social and economic benefits:

- Valuing Places: Good Practice in Conservation Areas <http://www.english-heritage.org.uk/professional/advice/conservation-principles/constructive-conservation/valuing-places/>
- Constructive Conservation In Practice: <http://www.english-heritage.org.uk/professional/advice/conservation-principles/constructive-conservation/constructive-conservation-in-practice/>

Improvements to the public realm in town and village centres can help encourage walking and cycling and support the delivery of sustainable transport objectives. They can also support the delivery of the objectives for the historic environment through helping to deliver conservation area management plans and tackling issues related to conservation areas being identified as at risk. Improvements could include promoting community based de-cluttering audits and the better coordination of signage and street furniture as promoted through English Heritage's Streets for All programme. Improvements in the overall quality, character and indeed functioning of areas can also contribute to wider policy aims linked to

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tourism, the economy and the built environment. Practical guidance on community audits and managing, designing and maintaining the public realm is available at: <http://www.helm.org.uk/server/show/nav.19637> .

In certain cases the direct investment in a heritage asset might be required for supporting the development of an area. For example, this could include investment in the improvement and or maintenance of a historic bridge where it is part of the transport infrastructure for the planned development.

Social and Community Infrastructure

Historic buildings, including places of worship, can accommodate many social and community services and activities as well as represent a focus for the community in their own right. Investment in their continued or improved maintenance could be warranted in supporting and extending the capacity of existing infrastructure. Promoting the adaptive reuse of a vacant or underused building or facilitating the multiple-use of existing buildings for a wider range of community services might also offer the opportunity to support the repair and maintenance of historic buildings, particularly where identified nationally or locally as a building at risk.

Practical examples of how heritage assets can be adapted to realise their potential as social and economic assets are available via the English Heritage website: <http://www.english-heritage.org.uk/professional/advice/conservation-principles/constructive-conservation/> . Specific guidance on caring for Places of Worship and new uses for former places of worship is available at: <http://www.english-heritage.org.uk/publications/caring-for-places-of-worship/> ; and <http://www.english-heritage.org.uk/publications/new-uses-former-places-of-worship/>.

The community transfer of assets may also be an option for delivering infrastructure and the sustainable management of a heritage asset. Guidance for local authorities, public sector bodies and community groups on the transfer the ownership and management of historic buildings, monuments or landscapes is available on the English Heritage website [*Pillars of the Community: The Transfer of Local Authority Heritage Assets, 2011*): <http://www.english-heritage.org.uk/publications/pillars-of-the-community-the-transfer-of-local-authority-heritage-assets/>

In supporting access to green space and encouraging walking and cycling, extensions to the public rights of way network can include improving access to heritage assets and their improved interpretation and enjoyment. The provision of open space might also be linked to improving public access to historic landscapes in the vicinity of a settlement.

Social and community infrastructure may also include cultural facilities such as a local museum. Investment may offer opportunities to widen and improve its use by existing and new communities as well as support the tourism economy.

Green Infrastructure

The historic environment and heritage assets can make a valuable contribution to green infrastructure networks and its wider functions, as for example in providing leisure and recreation opportunities, encouraging walking and cycling and strengthening local character. Historic places such as historic parks and gardens, archaeological sites, the grounds of historic buildings and green spaces within conservation areas can form part of a green infrastructure network as well as underpin the character and distinctiveness of an area and its sense of place. Other heritage assets can also offer a range of opportunities such as canal networks and churchyards and the wider countryside including networks of 'green-lanes', common land and historic parkland.

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