



ENGLISH HERITAGE

StatCons@communities.gsi.gov.uk

Pat Aird
Head of National
Planning Advice

Telephone 020 7973 3826
Fax 020 7973 3574

19 March 2010

Dear Sirs

Subject: Consultation on the Role of Statutory and Non Statutory Consultees

English Heritage welcomes the opportunity to respond to the consultation on the role of statutory and non statutory consultees.

English Heritage is an Executive Non-Departmental Public Body sponsored by the Department for Culture, Media and Sport, with our funding agreement signed by CLG and DEFRA. We work in partnership with central government departments, local authorities, voluntary bodies and the private sector to conserve and enhance the historic environment, broaden public access to our cultural heritage, and increase people's understanding and appreciation of the past.

We are the UK Government's statutory advisor and a statutory consultee on all aspects of the historic environment and its heritage assets. This includes archaeology on land and under water, historic buildings sites and areas, designated landscapes and the historic elements of the wider landscape. *Conservation Principles* <http://www.english-heritage.org.uk/server/show/nav.9181> sets out the guidelines for engagement with the historic environment which have informed the consultation draft of Planning Policy Statement 15 (PPS15).

We would particularly welcome direct consultation from government departments on all new policy initiatives which relate to the environment and spatial planning in order to carry out our role as statutory consultee effectively. Currently we are only consulted on a much narrower range of policies which are seen to specifically relate to the historic environment and cultural heritage whereas these are in fact cross cutting elements in a much wider policy range. For example, we were not initially included in a recent consultation on eco-town proposals which only came to our attention through discussions with colleagues in the Environment Agency and Natural England.

We are fully supportive of the general approach to improving the consultation process by making sure that the right bodies are consulted on the right matters at the right time. Between

1 WATERHOUSE SQUARE, 138-142 HOLBORN, LONDON EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001

www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available



600 and 800 notifications to English Heritage each year are not required by the legislation and there are other occasions when English Heritage is not notified when we should be. A requirement for local planning authorities to be explicit about why they are consulting us would help to address this issue. Increased take up by local planning authorities of e consultation would both ensure we were consulted only when we needed to be and increase the speed and efficiency of our response.

We also welcome the emphasis on pre-application discussion in this and other recent consultations. Increased use of pre-application discussions by local planning authorities and developers ensures issues are addressed at an early stage in the development management process. It would be helpful if more local planning authorities put links on their website to advice and guidance and contact details on our own website for the benefit of applicants to facilitate the pre-application and application process. Similarly we feel that the provision of information on the planning portal is better addressed through web links to pages on the English Heritage web-site. It should also be made clear that even if there has consultation at the pre-application stage, consultation with the statutory consultees is still a requirement when the formal application is submitted.

A full response to the consultation questions is attached. Whilst there are minor issues relating to the Code of Conduct which we have highlighted, in general terms we consider this initiative will help to streamline the consultation process.

Yours faithfully

Pat Aird
Head of National Planning Advice
E-mail: pat.aird@english-heritage.org.uk

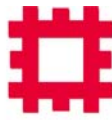


1 WATERHOUSE SQUARE, 138-142 HOLBORN, LONDON EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001

www.english-heritage.org.uk

*Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available*



ENGLISH HERITAGE

Statutory Consultees Consultation

Response to Consultation Questions by English Heritage

Q1 Do you agree with the policy principles guiding the statutory and non statutory consultation process?

Yes

Q2 Does the consultation draft provide a suitable policy framework?

Yes

Q3 Are any of the proposed policies too prescriptive?

See response to question 2

Q4 Are there any important policy omissions

No

Q5 a) Are the provisions of the code of practice for statutory consultees workable and proportionate?

b) Are any requirements unreasonable?

c) Are any requirements missing

a) *No*

- It would be unworkable and disproportionate for Statutory Consultees providing advice throughout the country to have bespoke agreements with individual local authorities. Monitoring performance and maintaining consistency would be particularly difficult and resource intensive.*
- It would be more appropriate for the planning portal to link to the web sites of the statutory consultees – this would ensure that all relevant guidance and advice was up to date with a minimum impact on resources.*
- In order to implement the consultation fully adjustments to the planning portal hub and local authority web sites may be required.*

b) *Yes*

- Each case relating to a heritage asset is unique It is not therefore possible for English Heritage to provide standing advice. However we do provide general guidance and in many cases are able to refer the applicant and local planning authority to that general guidance when we have had the opportunity to assess the proposal.*
- There are no statutory powers for statutory consultees to request additional information from applicants. The requirement for statutory consultees to request additional information directly from the applicant is likely to lead to lack of clarity and transparency. It would be more reasonable for all such requests to be channelled through the local planning authority*

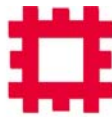
1 WATERHOUSE SQUARE, 138-142 HOLBORN, LONDON EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001

www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available





ENGLISH HERITAGE

Statutory Consultees Consultation

Response to Consultation Questions by English Heritage

c) Yes

- *It would also be important to clarify when the 21 day period commenced – it should be when all the information required for validation is available to the statutory consultee. For example, some notifications with links to the local authority web site for details of the application are received from a local planning authority several days before the application details are published on the web site. If this type of e consultation is used the 21 days should commence from the date of web site publication and this should be made clear in the new circular.*
- *It should also be made clear that even if there has consultation at the pre-application stage, consultation with the statutory consultees is still a requirement when the formal application is submitted.*

Q6 How might the statutory consultees be encouraged to sign up to the Code of Conduct/

Improvements to the planning portal consultation hub would facilitate compliance with the Code.

Q7 a) Are the provisions of the code of practice for local authorities workable and proportionate?

- b) Are any requirements unreasonable?
- c) Are any requirements missing?

- a) *There are no statutory powers for statutory consultees to request additional information from applicants. The requirement for Statutory Consultees to request additional information directly from the applicant is likely to lead to lack of clarity and transparency. It would be more reasonable for all such requests to be channelled through the local planning authority*
- b) *Each case relating to a heritage asset is unique It is not therefore possible for English Heritage to provide standing advice. However we do provide general guidance and in many cases are able to refer the applicant and local planning authority to that general guidance when we have had the opportunity to assess the proposal. .*
- c) *Yes: It would also be important to clarify when the 21 day period commenced – it should be when all necessary information is received by the statutory consultee.*

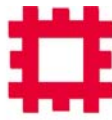
1 WATERHOUSE SQUARE, 138-142 HOLBORN, LONDON EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001

www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available





ENGLISH HERITAGE

Statutory Consultees Consultation

Response to Consultation Questions by English Heritage

Q8 Do you agree with the changes to the GDPO relating to requirements for consultation?

No comment

Q9 Are there further changes which could cut down unnecessary consultation?

Legislative changes to combine planning permission with Listed Building and Conservation Area Consents would reduce the number of consultations

Q10 Should we review national policy recommendations for consultation?

Yes: We would particularly welcome direct consultation from government departments on all new policy initiatives which relate to the environment and spatial planning in order to carry out our role as statutory consultee effectively. Currently we are only consulted on a much narrower range of policies which are seen to specifically relate to the historic environment and cultural heritage whereas these are cross cutting elements in much wider policy range. For example, we were not initially included in a recent consultation on eco-town proposals which only came to our attention through discussions with colleagues in the Environment Agency and Natural England.

Q11 Do you agree there should be greater clarity and consistency in the way statutory consultees provide advice?

Requiring consistency in the way all statutory consultees respond will increase clarity and transparency for local authorities and third parties.

Q12 and 13 Do you support a consultation information resource on the planning portal? And Are there other ways to encourage good practice?

We support an information resource comprising a list of consultees and their types of development where they are required to be consulted but consider example of best practice should be held on the consultee web site with links from the planning portal to avoid the need for duplication of documents and the inherent difficulties of ensuring they are all updated.

Q14 What are the main blockages to using the e consultation hub?

Lack of rigorous definition and enforcement of PARSOL (or equivalent) standards for e-planning and enforcement of the necessary standardisation among local authorities. There is a bewildering array of different technical standards and working practices among 400+ local planning authorities. If compliance with adopted standards is not mandatory, the services from statutory consultees will become variable – depending upon the suitability (or otherwise) of the statutory notifications received from each authority.

1 WATERHOUSE SQUARE, 138-142 HOLBORN, LONDON EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001

www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available





ENGLISH HERITAGE

Statutory Consultees Consultation

Response to Consultation Questions by English Heritage

Q15 Is further Clarification on the Award of Costs Regime required?

No

Q16 Do you agree with the proposals for monitoring the performance of Statutory Consultees?

Yes

Q17 Are there further measures which would strengthen monitoring?

No

Q18 and 19 Impact Assessment

It should be noted that the cost of consultation has been transferred to consultees as a result of e planning.

Q19 Are there other options which would achieve these objectives

No



1 WATERHOUSE SQUARE, 138-142 HOLBORN, LONDON EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001

www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available

If you would like this document in a different format, please contact
our Customer Services department:
Telephone: 0870 333 1181
Fax: 01793 414926
Textphone: 01793 414878
E-mail: customers@english-heritage.org.uk