



Historic England

Locally-led Development Corporation Historic England Consultation Response

Historic England is the government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We welcome the opportunity to submit a response to the consultation on Locally-led Development Corporations.

We have restricted our response to those questions covering matters which have a greater bearing on the historic environment.

Question 2: Do you agree that the proposed list of functions to be transferred to the oversight authority is the correct one? If not, please specify which functions you think should or should not be transferred and why.

The explanatory notes to the draft Regulations set out specific functions of the Secretary of State under the Local Government, Planning and Land Act 1980 that are to be exercised by the oversight authority. This includes, where the oversight authority is the local planning authority for the area, approval of the Locally Led Urban Development Corporation (LUDC) plans for development of the urban regeneration area.

Where the oversight authority has undertaken full planning powers, such as development management decision making and formal plan making powers, Historic England would, as a statutory consultee, be consulted in the usual way.

Where there is a significant historic environment component in an area, but the LUDC has not had formal planning functions (either development management or plan making powers) conferred to it, we would welcome early engagement with the LUDC to inform the aspirations of the Corporation, it would help ensure that the LUDC can maximise any benefits from the historic environment and reduce future risks. This may include activities such as master-planning or phasing of development.

Question 4: Do you agree that the aims of the oversight authority included in the draft Regulations promote and support high quality developments, with sustainability and community at its heart? If not, are there additional aims or should they include less prescription?

We note that it is the government's intention for these Regulations to align, as far as possible, with the aims of the oversight authority as set out in the [New Towns Act 1981 \(Local Authority Oversight\) Regulations 2018](#). We believe it would be better to include supporting 'Sustainable Development' when setting the aims of the oversight authority for Locally Led Development Corporations. This would align with the approach of the 2018 New Town Regulations. 'Sustainable Development' is a clearly defined term within the NPPF (Chapter 2) that would help to ensure the aims of the oversight authority also align with the broader aims of Planning System, as set out in national policy. This would include the conservation and enhancement of the historic environment.

We would also welcome any explanatory note or guidance accompanying the Regulations (if published) to highlight the benefits of conserving and enhancing the historic environment, and how this can be used to support applications to the Secretary of State to set up a LUDC when bringing forward plans for the regeneration of areas that have historic interest/significance.

Question 5: Should the powers on the disposal of land be equalised across Locally-led Development Corporations so that all LUDCs can gift land with consent? If so, please provide reasoning.

As a public body, it is important that if and when LUDCs dispose of land of historic value it is done in line with Historic England's best practice guidance: [The Disposal of Heritage Assets: Guidance not for government departments and non-departmental public bodies](#). Any disposal of land by a LUDC should ensure that proper account is taken of the heritage value of the asset being disposed of. This means that, where a historic asset is being sold (rather than gifted), accepting the highest purchase is not always appropriate. The LUDC may also consider the ability of a recipient to conserve and enhance a heritage asset (taking into account potential conservation deficit) and to use it for its optimum viable use, as defined in the NPPF and the Planning Practice Guidance. Options for suitable reuse should be considered before deciding to sell or gift a heritage asset. This should involve early consultation with Historic England where appropriate. If a decision to dispose of a heritage asset is made, the LUDC should provide clear information for purchasers regarding the significance of any heritage assets and information about any repair, maintenance, or management liabilities. When disposing of heritage assets, LUDCs should take reasonable steps to ensure that the new owners have the resources to maintain them and, if necessary, bring them up to a condition suitable for sustainable use.

As such, if LUDCs were given powers to gift land with consent, they should have access to suitable heritage expertise preferably at board level. This would reduce the risk of disposal of assets to new owners who are unable to maintain or repair heritage assets. This has sometimes been an issue of disposals of public land with

heritage assets, resulting in blighted sites where heritage assets fall into long-term decay and are either lost or require significant public expenditure to rescue.

Question 6: Do you agree with the proposals for board membership set out in the draft Regulations? If not, how should these be changed and why?

A LUDC may cover areas of heritage significance where there may be a real opportunity to integrate existing heritage assets into the wider regeneration of the area. In these circumstances, we would support the presence of appropriate heritage expertise at board level. This will help to ensure that any opportunities to harness the historic environment to maximize the quality of place-based regeneration are taken. We would welcome supportive text to this effect in any future accompanying guidance on LUDCs. For example, the [Guidance on the New Towns Act 1981 \(local Authority Oversight\) Regulations 2018](#) indicates board members for New Towns should have a wide range of place-making skills (see section 5.1). Given the regeneration remit of the LUDCs, we believe it would be appropriate to state in the guidance that board composition in LUDCs should include suitable heritage expertise, where relevant (i.e. in areas of heritage significance/interest). This should be clearly differentiated from more general expertise in architecture and urban design, which have their own focus.

Policy & Evidence

4 June 2024