



A Charter for Historic England Advisory Services

This Charter sets out the services we provide for those involved in changing or influencing change to the historic environment including its enhancement.

It explains specifically how we handle requests for pre-application and statutory advice; it covers our advice on matters of policy and management issues relevant to the planning process; and it explains our engagement, in partnership with others, in the planning system.

Our commitment

We are committed to continuously improving the quality and timeliness of our advisory service. We currently give more than 99% of planning applications advice to local authorities within 21 days or against an agreed timetable. We also welcome pre-application engagement.

Our Charter principally covers our service to local planning authorities, owners of designated heritage assets and developers, but if you are considering any work which will affect the historic environment you will find it useful. It may also be relevant where we are invited to engage in Listed Building Heritage Partnership Agreements, Consent Orders and Planning Performance Agreements.

We are committed to providing constructive advice at all times and aim to provide clear responses in a timely manner in our role as a statutory consultee. We monitor our turnaround performance and hold regular reviews of cases to ensure consistency in our approach and clarity in our responses.

This Charter forms our Code of Practice and we will periodically update it in response to our evolving role within the planning system.

National Expertise, Locally Delivered

Our advice is based on our experience and expertise in the historic environment and we have a network of staff across England with a wide range of professional skills.

We provide our advice through teams in our nine Local Offices covering Development Management, Heritage at Risk and Historic Places. We prioritise our efforts according to identified needs for the nation's heritage, but we also respond to changing demands and align our services locally with the growth priorities of local authorities and communities engaged in securing sustainable development.



We publish an annual Improvement Plan for our planning services, identifying the relevant improvements we are making. The plan is reviewed every year with government and other agencies and in response to feedback from our customers.

If you wish to contact us about the advice we have given to a Local Authority or government department, or consider we have not followed our own published procedures, please contact your Local Office.

Freedom of Information

We are subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 which provide a general right of access to information we hold or are responsible for.

We may provide the information you have supplied in response to a request made under this legislation, subject to any exemptions which apply. We will consult with external parties as necessary prior to releasing information.

Equality Implications

Public bodies are responsible for ensuring that their plans, policies and activities do not unfairly discriminate against a group protected by equalities legislation.

It is the responsibility of the public bodies that we advise to ensure that they have paid due regard to local equality implications when implementing our advice.



1. Our Role

We are the government's expert advisor on England's heritage and we have a statutory role in the planning system. Central to our role is the advice we give to local planning authorities, government departments, developers and owners on development proposals affecting the historic environment.

We also publish wide-ranging advice on the management and enhancement of the historic environment.

In most cases local planning authorities will be the first point of contact for advice on proposals for change in the historic environment. It is not necessary or appropriate for us to engage with every planning issue that involves the historic environment.

'Constructive Conservation' expresses the role we play in promoting a positive and collaborative approach to conservation that focuses on actively managing change. The aim is to accommodate the changes necessary to ensure the continued use and enjoyment of heritage assets while recognising and reinforcing their historic significance. Our advice seeks to minimise the loss of significance to these assets. We also look for opportunities to enhance the historic environment.

More information on heritage assets can be found in our Heritage Protection Guide on our website: www.HistoricEngland.org.uk/Advice

The basis of our advice

Our advice is shaped by legislation and based upon government policy and guidance. Our advice is also underpinned by our published Conservation Principles.

We expect to uphold publicly the statutory advice we provide to local planning authorities. Unless material circumstances change, we will not alter our advice. It is for the statutory decision-maker(s) to judge the balance of any competing interests.

When we are consulted

The circumstances in which we are notified of and consulted upon applications and proposals affecting the historic environment are set out in legislation and government guidance. We deal directly with applications for Scheduled Monument Consent on behalf of the Department for Culture, Media and Sport and administer a licensing scheme for access to England's Protected Wreck Sites.



2. When we are consulted or notified about proposals for development management

Broadly speaking, we must be consulted on or notified about:

- Listed building consent applications relating to works to a Grade I or II* building, or demolition of a Grade II building.
- Applications for planning permission for development which affects a Grade I or II* listed building or its setting, a Grade I or II* registered park or garden, a scheduled monument or a registered battlefield.
- Development which affects the character or appearance of a Conservation Area and which involves:
 - the erection of a new building or the extension of an existing building where the area of land in respect of which the application is made is more than 1,000 square metres
- Local planning authorities' own applications for planning permission for relevant demolition in Conservation Areas.
- Applications made under the Care of Cathedrals Measure 2011 for certain classes of works to Anglican cathedrals.
- Applications under the consent processes of the exempt denominations for works affecting listed ecclesiastical buildings or archaeological remains
- Proposals to make Listed Building Heritage Partnership Agreements where these would cover Grade I or Grade II* listed buildings or listed buildings owned by local planning authorities
- Proposals to make Local Listed Building Consent Orders, where these would cover Grade I or Grade II* listed buildings or listed buildings owned by local planning authorities
- Nationally Significant Infrastructure Projects

In Greater London, we have statutory powers and must be consulted on a wider range of listed building consent applications and planning applications.

'Please see the relevant legislation for the specific consultation requirements.'

Following the enactment of the Enterprise and Regulatory Reform Act (ERRA) 2013, the need for Conservation Area consent was replaced with a requirement for planning permission for relevant demolition. Failing to have permission for relevant demolition in a Conservation Area is a criminal offence.



3. When we are consulted about other proposals

Spatial Planning

We provide advice to local planning authorities on local development documents explaining how the historic environment should be conserved and enhanced. This is part of our ‘duty to co-operate’ especially where there is likely to be a significant impact upon the historic environment.

We welcome early and ongoing discussion with local planning authorities and, where relevant, neighbourhood forums, in the preparation of local plans and neighbourhood plans.

We offer proportionate responses to consultations on Strategic Environmental Assessments and Sustainability Appraisals to ensure a high level of protection and to maximise potential benefits for the historic environment. We must be consulted at the screening, scoping, reporting and the decision to adopt stages.

Our advice on Environmental Impact Assessments, where necessary, helps to ensure that any potential significant effects on the historic environment have been accurately assessed and addressed.

Although we must be notified of any intention to submit an environmental statement for certain proposals, we expect local planning authorities to exercise their judgement and to consult us wherever they consider that we are likely to have an interest.

Nationally Significant Infrastructure Projects

We are a statutory consultee on all Nationally Significant Infrastructure Projects (NSIP). These are large scale projects such as power stations, railways, harbours and larger wind farms.

If a NSIP is being considered, we welcome early engagement. Before submitting an application, the developer is required to obtain necessary heritage information and to carry out extensive consultation on their proposals, including with us. We consider the impact of these proposals on the historic environment and advise accordingly alongside other sources of advice. The developer is expected to consider their proposals as appropriate in light of these consultations. Once an application for consent has been made, the Planning Inspectorate asks statutory consultees for their views and examines the application before making a recommendation to the relevant Secretary of State, who makes the decision.



4. When we are consulted about proposals for marine and protected wrecks

Marine Planning

The marine planning authority for the English area of the UK Territorial Sea (to 12 nautical miles offshore) and the adjacent area of UK Continental Shelf (to a maximum of 200 nautical miles offshore) is the Marine Management Organisation (MMO). The MMO prepares marine plans and acts as the regulatory authority for a reformed system of marine licensing. Our role is to provide independent advice to the MMO as part of the marine licensing process, covering not only proposals for development such as marine aggregates extraction or channel dredging but also advice on Environmental Impact Assessment (EIA) for marine projects such as port expansion programmes and offshore wind farm developments.

Protection of Wrecks Act 1973

Our responsibilities under the Protection of Wrecks Act 1973 are to consider applications relating to the designation of shipwreck sites and to administer a licensing scheme for access to protected sites. In March 2013 there were 46 sites designated within the English area of the UK Territorial Sea. This total ranges from possible prehistoric seafaring craft with associated cargos through to prototype submarines. We therefore authorise access for named individuals to England's Protected Wreck Sites through a licensing scheme which we administer on behalf of DCMS.

5. When we are consulted about Listed Building Heritage Partnership Agreements and Local Listed Building Consent Orders

We work with local authorities and owners to set up Listed Building Heritage Partnership Agreements and as well as being a consultee can also be a party to an agreement. We also support the creation of Local Listed Building Consent Orders and provide views on Certificates of Lawfulness of Proposed Works where required. We are a consultee on all agreements affecting Grade I & Grade II* buildings and those which affect local authority owned listed buildings, but will consider offering advice on the preparation of all agreements and orders.



6. Our Advisory Service

We communicate all our formal advice by letter, often sent electronically. We have a network of staff across England with a wide range of professional skills and will assign the member of staff whose knowledge best fits the need for advice to each case.

Our advice may also draw on the expertise of other members of staff or our advisory committees and panels and represents corporate advice on behalf of our Commission, our policy-making body.

Providing advice - our commitment

In cases where we have an interest, we will:

- identify the expectations of the client
- match the skills required to the needs of the case
- identify named staff for each case, and confirm the arrangements for contacting them
- provide constructive, clear, relevant and concise advice, consistent with our Conservation Principles
- give advice to an agreed timetable, including the provision of formal pre-application and statutory advice
- review performance through evaluation and feedback

7. Our pre-application advisory service

Pre-application advice

On initial contact we will determine the nature of the enquiry, identify the issues it raises and decide whether we should become involved.

Enhanced Advisory Services

Please note that we now offer three types of Pre-application advice. This is a brief overview: for more details please go to our Enhanced Advisory Services section.

- Initial advice



This is a free service. As part of this free service we will assess the information provided and provide one letter of advice. It can also include a site visit or meeting and review of further information where this is necessary for us to offer our initial advice.

This free service has recently changed from 15 hours of free advice to a free cycle of advice.

Under this we will:

- either, confirm within 21 days that we do not need to be involved with the case, or
 - confirm the need for our involvement by sending you our 'Agreement to Advise' letter within 21 days. This will include arrangements for the delivery of our advice and the information on which it is to be based
 - ask for additional information where necessary, in order to gain a better understanding of the proposals and their impact
 - send our Initial Advice.
- Extended Pre-application advice

If in discussion we agree that the circumstances necessitate more than a free cycle of advice from Historic England, we are able to offer an extended paid-for Pre-application advice service. This covers our engagement in the formulation of proposals beyond the Initial free service. For example, a named lead specialist will be able to comment on emerging schemes and participate in design team meetings.

You will be given an indication of the estimate of the cost for this service before deciding whether to proceed.

Our [Service Description](#) provides further information on our Extended Pre-Application Service.

- Formal advice

For this free service you will need to provide a full set of plans and other information exactly as would be included in the intended statutory application. We will then carry out a one-off assessment and give our formal written advice on the proposal, based on the information then available, within 21 days of a request to do so.



Please note that advice on the information needed to support an application is part of our free [Initial Pre-application service](#).

Whether or not we become involved, it is important for those considering development to engage with others, such as the local planning authority, local community, relevant national agencies and national amenity societies, as appropriate. We commend the Local Government Association's 10 commitments for effective pre-application engagement and seek to follow them in our work. We collaborate with relevant parties and may make our advice available to others.

When we are consulted on infrastructure and other proposals with prescribed deadlines for response, we will aim to meet such deadlines, taking into account our corporate responsibilities and priorities. We encourage groups to consider their local heritage in neighbourhood planning.

- All three types of pre-application advice are available for proposals where we would be a statutory consultee should an application be made. This includes proposals relating to Marine Planning consent and planning permission affecting undesignated heritage assets of archaeological interest in Greater London outside the City of London & Southwark (where we do not provide such advice).

8. Our statutory advice service and enquiries

Statutory advice

Local planning authorities and the Government notify and consult us on a range of applications affecting the historic environment. We have specific statutory functions in London.

On receipt of any statutory consultation or notification, we will:

- ascertain whether we have given pre-application advice and carry out an initial assessment to determine how the consultation will be handled and the nature of any response
- identify the need for any outstanding information and, where necessary, agree a suitable timetable for giving advice
- provide advice within the agreed timetable; we will respond to notifications of listed building consent and planning applications within 21 days of receipt unless otherwise agreed
- provide relevant information and advice, and present it clearly and concisely



In some instances, our Commission and/or an advisory committee will need to consider a case. Where this is so, it may not be possible to meet the 21 day target and we will seek to agree a longer period with the relevant parties.

We do not provide standing advice which can be taken as our formal response to a range of applications. We consider each application individually and respond accordingly. However, we do provide general advice on a number of topics, which may be found on our website.

In general we do not have a statutory role in the writing or discharging of planning conditions or section 106 agreements. We may advise on the need for these and their general scope as part of our formal response to consultations or notifications, but expect the local planning authority to resolve their details.

Enquiries

If you have an enquiry about a specific case please contact your Local Office and give them the site name and reference number. The Local Office is also the first port of call for all factual enquiries.

For other enquiries, please contact our Customer Service Department.

9. Listing and our advisory service

The formal designation of heritage assets helps us to identify and celebrate England's historic buildings, monuments, parks, gardens, battlefields and wreck sites, by highlighting their significance in a national context. It identifies an asset or site as having particular significance within the historic environment and ensures this receives due attention through the planning system. When we are involved in pre-application discussions, our local development management staff can help with identifying how the particular significance of designated individual assets can best be managed in the development of proposals.

There are nearly 400,000 nationally designated assets on the National Heritage List for England (NHLE). We administer and curate this on behalf of the Department for Culture, Media and Sport (DCMS).

Assessments for designation can provide extra clarity in advance, or may be helpful in removing uncertainty in relation to development proposals. Please use our online application form to nominate an addition to The National Heritage List for England, or to ask for an entry to be removed or changed.

Amendments to the 1990 Planning (Listed Buildings and Conservation Areas) Act in 2013 mean anyone can apply at any time for a Certificate of Immunity from listing (COI) for a structure that might be regarded as being of architectural or historic interest. The quality of information supplied with an application will be a key factor in determining whether we can proceed with the request. The decision on whether to issue a COI is made by the Secretary of State.

10. Our technical conservation expertise

The work of each Local Office is underpinned by the expertise of our Conservation Teams working nationally, which include specialist architects and surveyors, structural engineers, architectural conservators and quantity surveyors. Our Conservation Department specialises in dealing with the practical, technical and scientific aspects of deteriorating building materials and systems of all types and their treatment. They do this by developing and promoting evidence-based technical policy, standards and best practice and providing specialist advice within Historic England and to the heritage sector on the conservation of the wider historic environment. They also manage consultant scientists, academics, building professionals, conservators and craftsmen who assist this work.

Opportunities for engaging our Conservation Teams which provide specialist technical support and advice are prioritised locally, so please address any enquiry to your Local Office in the first instance.



11. Working with us

We want to work constructively with everyone who needs our advice.

You can help us most effectively by:

- checking that we are the right people to ask and whether what you require is not better supplied elsewhere in the public and private sectors. Enquiries on proposals likely to require statutory approvals (other than for scheduled monument consent) should be made to the local planning authority in the first instance
- providing us with as much relevant information as possible at the earliest stage in the development process; experience shows that pre-application advice will save you time and money.

The information we need

To be able to offer detailed advice we need a full understanding of the significance of the assets and the impact of the proposed works on the historic environment. We also need to understand the context, principles and expected benefits of the proposal. Where an aspect of the proposal has potential to harm the significance of heritage assets, we need information to explain why it is necessary and what measures have been taken to minimise its impact.

The range of information we may ask for can be found in our '[Guide to the range of information to enable consultations](#)'. Our approach will be proportionate according to circumstances. Local authorities are likely to require similar information but the content of a valid statutory application is a matter for the decision-making authority.

Design and Access Statements

DCLG's 'Guidance on information requirements and validation' (March 2010) explains the need for design and access statements to accompany most planning and listed building applications. It highlights good practice in the use of design and access statements as an aid to pre-application discussions:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7727/1505220.pdf



Please note the thresholds for when design and access statements are required:

<http://www.legislation.gov.uk/ukxi/2013/1238/contents/made>

Both the design and access components should be worked on from the earliest stages of the development of the proposals, informed by the current and historic site use and context.

For applications affecting the historic environment the key components of the design and access statement are how the principles and concepts of the proposed development take account of the significance of heritage assets, their special interests and setting.

National Planning Policy Framework paragraph 128 explains how an applicant should set about understanding the significance of any heritage assets likely to be affected.

You can find out more about design and access statements on the Planning Portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/designaccess>

For the access statement we have produced two guides, 'Easy Access to Historic Buildings' and 'Easy Access to Historic Landscapes', as well as local guides in the 'Streets for All' series on the public realm.

You may need to produce a heritage statement to accompany a planning application or a listed building consent application. The level of detail should be proportionate to the importance of the assets and no more than is sufficient to understand the potential impact of the proposal on their significance. If any Design and Access Statement includes the necessary information, a separate heritage statement should be unnecessary.

12. Guide to the range of information to enable consultations with us

The type and amount of information will vary in each case; our approach is proportionate according to circumstances. Much of this will be included in your Design and Access and/or Heritage Statement. This is not a checklist of information required by local planning authorities, but when we are consulted on the information requirements for local validation we commend this Charter as a clear statement of the information we will need in order to provide informed advice. The following items may be necessary for proposals affecting designated or undesignated heritage assets - depending upon the significance of the asset and the impact of the proposed changes:

- a plan of suitable scale showing the site, its location, size, extent and context;
- photographs, dated, numbered and cross-referenced to a plan, showing the site and its setting in general and the area of proposed change in detail;



- a statement of significance which demonstrates an understanding of the historical, archaeological, architectural and artistic interest of the site and in particular the significance of those areas affected by the proposed works.

Measured drawings of structures as existing and as proposed to show, where appropriate:

- all floor plans;
- any external and internal elevations affected by the works;
- sections through floor, roof and wall structures, where these are affected by the works;
- perspectives or photomontages, models or computer visualisations, to show the impact of new works on the heritage asset and its setting;
- landscape works, to include contours and planting schemes;
- other material necessary to provide a full understanding of the impact of the works on the significance of the heritage asset and its setting.

Drawings should be at a scale appropriate to show the impact of the proposals on the heritage asset and its setting, usually 1:50. Plans, elevations and sections of structures as existing should indicate elements proposed for demolition.

A written explanation of the proposed works to include:

- a statement of justification explaining why the works are proposed and identifying any public benefits (this should include a development appraisal where appropriate);
- a statement of significance describing both the overall significance of the asset/s and the constituent parts, with special emphasis on the parts directly affected
- an assessment of the impact of the works on the significance of the asset, both overall and with special emphasis on the parts directly affected, along with a mitigation strategy explaining how harm to significance will be avoided or minimised, with any harm weighed against any public benefits;
- a specialist assessment where any features of special historic, archaeological, architectural and artistic interest may exist;
- a structural report by an engineer familiar with heritage assets, which identifies defects and proposes remedies, when works include significant elements of demolition or rebuilding.

When making decisions on listed building consent or planning permission applications, local planning authorities shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990). Likewise, when considering any planning application decision that affects a Conservation Area (section 72 of the 1990 Act), local planning



authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area under provision.

The National Planning Policy Framework states that ‘any harm or loss [to a designated heritage asset] should require clear and convincing justification’ (paragraph 132). In particular, if the outcome would lead to substantial harm or total loss of significance the documents you submit need to demonstrate this is necessary to achieve ‘substantial public benefits that outweigh that harm or loss’, or alternatively that all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

(Paragraph 133).

13. E-Planning

We are committed to handling communications electronically wherever possible.

We communicate directly with prospective applicants and others at pre-application stage, and we expect to agree mutually convenient means of exchanging information and advice throughout the process.

How electronic consultation works

Electronic consultation currently happens when a local planning authority consults or notifies us of statutory applications, by publishing documents on the local planning authority website and sending us a hyperlink by email. Alternatively we may accept e-consultations via approved third party websites.

If you are a local planning authority and you wish to e-consult with us directly, please contact the Business Manager in your [Local Office](#) with any queries and/or to agree arrangements for starting electronic consultation.

If you are a local planning authority and you wish to e-consult with us via the Consultee Cloud, please contact the National Business Development Manager: NPCCDirectorsOffice@HistoricEngland.org.uk.



As a statutory consultee we need sufficient information to give an informed reply (Town and Country Planning (Development Management Procedure) (England) Order 2010).

The guidance below gives a flavour of how we can handle electronic consultations effectively.

Pre-application advice

If you are a prospective applicant or local planning authority please:

- send drawings, plans and other complex supporting information in paper form unless agreed otherwise by us
- provide a clear index with any CD Rom

When requesting advice electronically please:

- ensure lists of plans and documents make clear the identity of each one by specific naming and indexing
- provide documents that are scanned at 200 dpi (dots per square inch)
- ensure the site plan is at an appropriate scale and covers enough of the surrounding area in order for us to locate the site accurately
- in exceptional cases where electronic consultations require email attachments, ensure the attachments are no more than 5 megabytes total size

Statutory consultation

Please download the publication 'E-Planning Standards for E-Consultation' for a complete picture of what we need to handle electronic statutory notifications, found [here](#)

Broadly speaking, if you are the relevant local planning authority you should:

1. Include in each email notification a subject line containing the application reference and site name
2. Indicate the reason for consultation and provide in the email the application title and
 - a direct hyperlink to the application and supporting documentation on the website or
 - a hyperlink to the LPA search engine into which we can paste the application reference
3. Ensure supporting documentation has been submitted and is published with the application in accordance with our information requirements, as set out in our Charter.



Please note:

- If you are a local planning authority and cannot meet our standards for electronic consultation, we may ask for a copy of all the relevant papers you have received from the applicant, to help us to provide an informed response
- The 21 day deadline will not start until we have received all the information we need to provide an informed response (Town and Country Planning (Development Management Procedure) (England) Order 2010).
- Where a Consultation Notification is received outside our business office hours (9am - 5pm weekdays), it shall be taken to have been received on the next working day; and for this purpose 'working day' means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday. (Town and Country (Development Management Procedure) (England) Order 2010).

We will:

- provide a single email address for each of our Local Offices
- uphold the standards included in our Charter
- work with our stakeholders to ensure the effectiveness of electronic consultation



14. Contact Us

We are committed to being transparent, clear and timely in the way we work. Our Charter sets out our role and remit, and explains what we need from you in order to provide advice.

We welcome feedback on the service you received from us.

Who to talk to

When contacting our staff, please ensure you have the appropriate information so we can identify the case you are referring to.

If you know the name of our member of staff working on the particular case, please [telephone](#) them directly. If they are unable to resolve the issue to your satisfaction, please write to the Planning Director in the relevant Local Office who will look into and clarify the circumstances of the case.

If you disagree with our advice and the responses you have received from both the member of staff dealing with the case and the Planning Director, you can contact the Director of Planning:

Director of Planning

Historic England

4th Floor

Cannon Bridge House

25 Dowgate Hill

London EC4R 2YA

Director@HistoricEngland.org.uk

If he is unable to explain our position to your satisfaction, you can contact our Chief Executive:

The Chief Executive

Historic England

4th Floor

Cannon Bridge House

25 Dowgate Hill

London EC4R 2YA

Chief.Executive@HistoricEngland.org.uk.



Making a formal complaint

If you consider that we have not followed our own published procedures and wish to make a formal complaint, please contact the Historic England appointed Compliance Officer:

Statutory Consultee Compliance Officer
Historic England
4th Floor
Cannon Bridge House
25 Dowgate Hill
London EC4R 2YA
Compliance.Officer@HistoricEngland.org.uk

If this does not resolve your issue, you may ask any Member of Parliament to refer your complaint to the Parliamentary Ombudsman:

The Parliamentary Ombudsman
Millbank Tower
Millbank
London
SW1P 4QP
Telephone 0345 0154033
Website: www.ombudsman.org.uk
Email: phso.enquiries@ombudsman.org.uk.