

Cornwall Council process for consultation on Heritage Applications

Where <u>Statutory external consultations are required-</u>					
Type of Application	Nature of Proposal	Consultations when application is registered	If minded to approve	STAT or Advisory & Source	Notes/ responsibilities
Listed Building Consent	<p>Substantial or total demolition of a listed building of any grade (a) works for the demolition of any principal building; or (b) works for the alteration of any principal building which comprise or include the demolition of a principal external wall of the principal building; or (c) demolition of all or a substantial part of the interior of the principal building</p> <p>For the purposes of sub-paragraph (b) above</p> <p>(a) a proposal to retain less than 50 percent of the surface area of that part of a principal building represented on any evaluation (ascertained by external measurement on a vertical plane, including the vertical plane of any roof) shall be treated as a proposal for the demolition of a principal external wall; (b) a proposal to demolish any principal internal element of the structure including any staircase, load-bearing wall, floor structure or roof structure shall be treated as a proposal for the demolition of a substantial part of the interior.</p>	<p>External Statutory Consultees should be given 28 days from date of notification for comment</p> <p>English Heritage</p> <p>National Amenity Societies</p> <ul style="list-style-type: none"> • Ancient Monuments Society • Council For British Archaeology • Georgian Group • Society for the Protection of Ancient Buildings • Victorian Society • Twentieth Century Society <p>Purpose of notification of English Heritage and National amenity societies is to enable them to comment on applications at the earliest stage possible and before authorities have reached conclusions on them</p>	<p>If no objection has been received from English Heritage or any of the National Amenity Societies the LPA may determine the application. However if English Heritage or one of the National Amenity Societies have objected the Secretary of State should be notified</p> <p>S of State may within period of 28 days of date of notification direct application be referred to him or give notice that requires further time. LPA may not grant consent until period has expired or received notification that S of S does not require referral</p>	<p>Section 12 and 13 of the Planning (Listed Buildings and Conservation Areas Act 1990</p> <p>Paras. 15 and 20 of Circ. 01/2001 as amended by circular 09/2005 and para 8 of circular 08/2009</p> <p>ODPM Circular 09/2005</p> <p>DCLG Circular 08/2009</p> <p>When English Heritage must be consulted on Planning, Listed Building and Conservation Area Consent Applications, English Heritage Jan 2012</p>	<p>When application is registered Planning Service is responsible for completing consultation</p> <p>This should include consultations to English and to National Amenity Societies</p> <p>Notification of HE through IDOX</p> <p>Planning Case Officer to refer application to Government Office if there has been an objection received from English Heritage or one of the Amenity Societies and the Council is minded to approve.</p> <p>This referral should also include a suggested list of conditions for Secretary of State</p> <p>In cases of demolition under the Act, local planning authorities should, having given listed building consent, advise the applicant that English Heritage must be given at least one calendar month to record the building before demolition takes place</p>

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Listed Building Consent	Works in respect of any Grade I or II*Listed Building (including curtilage buildings)	<p>External Statutory Consultees should be given 28 days from date of notification for comment</p> <p>English Heritage</p> <p>National Amenity Societies</p> <ul style="list-style-type: none"> • Ancient Monuments Society • Council For British Archaeology • Georgian Group • Society for the Protection of Ancient Buildings • Victorian Society • Twentieth Century Society <p>Purpose of notification of English Heritage and National amenity societies is to enable both English Heritage and the amenity societies to comment on applications at the earliest stage possible and before authorities have reached conclusions on them</p>	<p>If no objection has been received from English Heritage the LPA may determine the application.</p> <p>However if English Heritage or one of the National Amenity Societies have objected the Secretary of State should be notified</p> <p>S of State may within period of 28 days of date of notification direct application be referred to him or give notice that requires further time. LPA may not grant consent until period has expired or received notification that S of S does not require referral</p>	<p>Section 13 of the Planning (Listed Buildings and Conservation Areas Act 1990</p> <p>Circ. 01/2001 para 15 as amended by circular 09/2005 and para 4 and 8 of circular 08/2009</p> <p>When English Heritage must be consulted on Planning, Listed Building and Conservation Area Consent Applications, Jan 2012</p>	<p>When application is registered Planning Service is responsible for completing consultation</p> <p>This should include consultations to English Heritage and to National Amenity Societies –see below</p> <p>Planning Case Officer to complete referral letter to Government Office if there has been an objection received from English Heritage or one of the Amenity Societies and the Council is minded to approve.</p> <p>This referral should also include a suggested list of conditions for Secretary of State and the relevant minute relating to the resolution.</p>
Listed Building Consent	Where any section of Cornwall Council is the applicant.	<p>External Statutory Consultees should be given 28 days from date of notification for comment</p> <p>English Heritage</p> <p>National Amenity Societies as appropriate</p> <p>Purpose of notification of English Heritage is to enable them to comment on applications at the earliest stage possible and before authorities have a reached conclusions on them</p>	<p>The Local Planning Authority does not have the statutory power to grant itself listed building consent</p>	<p>STAT. Para. 20 Circ. 01/2001</p> <p>And Sections 74 & 82 of the Planning (Listed Buildings and Conservation Areas) Act 1990 & Reg.13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 And</p> <p>Direction Section of the 1990 Act</p>	<p>Applications are then referred to the National and West Midlands Planning Casework Team</p> <p>The decision notice is issued by the Government Office</p>

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Listed Building Consent	<p>Grade II Buildings</p> <p>(a) for works for the demolition of a listed building, or (b) for works for the alteration of a listed building which comprise or include the demolition of any part of that building including the interior and a structure within the curtilage which predates 1 July 1948</p> <p>NB: This will include farmstead outbuildings such as barns etc</p> <p>NB this includes partial demolition- please seek advice from Conservation Officer if unsure</p>	<p>External Statutory Consultees should be given 28 days from date of notification for comment</p> <p>National Amenity Societies</p> <ul style="list-style-type: none"> ◆ Ancient Monuments Society ◆ Council For British Archaeology ◆ Georgian Group ◆ Society for the Protection of Ancient Buildings ◆ Victorian Society ◆ Twentieth Century Society <p>Purpose of notification of National amenity societies is to enable them to comment on applications at the earliest stage possible and before authorities have reached conclusions on them</p>	<p>If one of the National Amenity Societies have objected the Secretary of State should be notified</p> <p>S of State may within period of 28 days of date of notification direct application be referred to him or give notice that requires further time. LPA may not grant consent until period has expired or received notification that S of S does not require referral</p>	<p>STAT. Para. 15(1) Circ. 01/2001 as amended by circular 09/2005</p>	<p>See information below on consultations of National Amenity Societies</p>
Planning Application	<p>Affects grade II* or grade I Listed Building- NB This includes the SETTING of a grade 1 or 11* listed building</p>	<p>External Statutory Consultees should be given 28 days from date of notification for comment</p> <p>English Heritage</p> <p>Purpose of notification of English Heritage is to enable them to comment on applications at the earliest stage possible and before authorities have reached conclusions on them</p>		<p>English Heritage must be notified of the following planning applications (by virtue of sections 67(3), (4) and 73(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, paragraph 8 of Circular 1/2001 Arrangements for Handling Applications - Notification and Directions by the Secretary of State, and the Town and Country Planning (Development Management Procedure) (England) Order 2010):</p>	<p>English Heritage should be consulted- NB this will require registration officers to check the grading of nearby listed buildings when considering external consultations</p>
Planning Application	<p>Development which in the opinion of a local planning authority affects the character or appearance of a conservation area and which involves:</p> <p>(i) 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 more than 1,000 square metres;</p>	<p>External Statutory Consultee</p> <p>English Heritage</p> <p>Purpose of notification of English Heritage is to enable them to comment on applications at the earliest stage possible and before authorities have reached conclusions on them</p>		<p>English Heritage must be notified of the following planning applications (by virtue of sections 67(3), (4) and 73(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, paragraph 8 of Circular 1/2001 Arrangements for</p>	<p>Can be outside conservation area – if measurement is in doubt, err on the side of notifying English Heritage anyway</p>

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	<p>(ii) The material change of use of any building where the area of land in respect of which the application is made more than 1,000 square metres, or</p> <p>(iii) The construction of any building more than 20 metres in height above ground level</p> <p>NB The development may be outside the Conservation Area and affect its setting</p>			<p>Handling Applications - Notification and Directions by the Secretary of State, and the Town and Country Planning (Development Management Procedure) (England) Order 2010):</p> <p>When English Heritage must be consulted on Planning, Listed Building and Conservation Area Consent Applications, English Heritage Jan 2012</p>	
Scheduled Monument	<p>Scheduled Monument Consent is required for almost any works affecting a scheduled monument. Scheduled Monument Consent is generally obtained in response to an application to the Secretary of State- other than seeking advice from the HE team the LPA has little if any part to play in the process.</p> <p>Carrying out of works to a scheduled monument without consent is a criminal offence.</p> <p>A monument may be both Listed and Scheduled. If the monument is listed however to avoid duplication listed building consent will not be required- only scheduled monument consent-.</p> <p>Similarly if in a Conservation Area, Conservation Area consent would not be required.</p>	<p>Any application affecting a Scheduled Monument and/or its setting may require Scheduled Monument Consent.</p> <p>Scheduled Monument Consent may be refused thus stopping the development even if planning consent is granted</p> <p>Scheduled Monument Consent (SMC) applications are decided by the Secretary of State for Culture, Media and Sport but the administration, process and handling of applications are undertaken by English Heritage. Application forms should be sent to the relevant English Heritage regional office.</p>		<p>DCMS guidance <u>Scheduled Monuments Identifying, protecting, conserving and investigating nationally important archaeological sites under the Ancient Monuments and Archaeological Areas Act 1979</u> March 2010</p>	LPA has no power to grant consent
Planning application affects a Scheduled Monument- (including setting)	<p>Where Planning consent is required the application will be to the LPA but may be in parallel with a scheduled monument consent application. Alternatively the proposal may be some distance away but affect the setting of a scheduled monument</p>	<p>External Statutory Consultees should be given 28 days from date of notification for comment</p> <p>English Heritage</p> <p>Local Planning Authorities are obliged by law to consult with English Heritage on any application likely to affect a scheduled monument Town and Country Planning (Development Management Procedure) (England) Order 2010):</p> <p>Purpose of notification of English Heritage is to enable them to comment</p>	<p>Archaeological Advice Officer should be consulted so that any condition can be integrated with any Scheduled Monument Consent.</p> <p>Ensure that the Archaeological Advice Officer is consulted prior to the discharge of an archaeological condition</p>	<p>Town and Country Planning (Development Management Procedure) (England) Order 2010):</p> <p>Ancient Monuments and Archaeological Areas Act 1979</p> <p>DCMS Scheduled Monuments March 2010</p> <p>HM Government The Government's Statement on the Historic Environment for England 2010</p>	<p>DCMS Scheduled Monuments March 2010 Section 5 5.1 47. In terms of impact of development on the setting of a Scheduled Monument, securing the preservation of the monument 'within an appropriate setting' as required by national policy is solely a matter for the planning system.</p> <p>NPPF 132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The</p>

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		<p>on applications at the earliest stage possible and before authorities have reached conclusions on them</p> <p>Any application affecting a Scheduled Monument may require Scheduled Monument Consent from the Secretary of State, which is administered by English Heritage. Scheduled Monument Consent may be refused thus stopping the development even if planning consent is granted</p>			<p>more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. ... Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments... should be wholly exceptional.</p>
Applications affecting the World Heritage	The outstanding universal value of a World Heritage Site indicates its importance as a key material consideration to be taken into account by the relevant authorities in determining planning and related applications ² and by the Secretary of State in determining cases on appeal or following call in.	Local planning authorities are required to refer to the Secretary of State any development proposals affecting World Heritage Sites which they are minded to approve but to which English Heritage has objected, that objection not having been withdrawn.	The Protection & Management of World Heritage Sites in England English Heritage Guidance Note to Circular for England on the Protection of World Heritage Sites	The Town and Country Planning (England) Direction 2009 The Protection & Management of World Heritage Sites in England English Heritage Guidance Note to Circular for England on the Protection of World Heritage Sites Communities and Local Government Circular 07/2009 on the Protection of World Heritage Sites	World Heritage Sites are classed as "sensitive areas" for the purposes of the Environmental Impact Assessment (EIA) regulations. EIAs for development within World Heritage Sites should consider the impact of the proposal on the World Heritage Site and its Outstanding Universal Value
Application affecting a Registered Park or Garden	The Register of Parks and Gardens of special historic interest in England is maintained by English Heritage and is graded like listed buildings, English Heritage is consulted on all applications affecting gardens of grades I and II*. Application affecting a Registered Park or Garden	<p>External Statutory Consultees should be given 28 days from date of notification for comment</p> <p>English Heritage Garden History Society English Heritage is consulted where an application affects a grade I or II* registered park or garden, and the Garden History Society is consulted on all applications affecting registered sites, regardless of the grade.</p>		TCP (Consultation with Garden History Society) Direction 1995, Appendix C to DoE Circular 9/95 Para 14, Circ. 01/2001 Town and Country Planning (Development Management Procedure) (England) Order 2010):	

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Internal consultation of the Historic Environment Advice Team					
Type of Application	Nature of Proposal	Discussions at pre app and Consultations when application is registered	If minded to approve	STAT or Advisory & Source	Notes/ responsibilities
Planning or Listed Building Consent	Affects an archaeological site or its immediate setting (Designated Asset or not)	<p>Through IDOX-Formal consultation on</p> <ul style="list-style-type: none"> • All major applications plus applications when land extends over 1 hectare. • Where Planning team wish for further guidance/ advice <p>NB in addition, the Planning Archaeological Advice officers will inspect the weekly lists</p> <p>See last column on duties and responsibilities-The Local Authority archaeological advisors use the data held within the HER and provided by professional consultants acting on behalf of applicants to provide authoritative independent advice to the LPA on the significance of heritage assets and the specification of appropriate and proportionate schemes of work to investigate and record archaeological sites. Advisors also monitor and validate fieldwork and reporting undertaken in response to LPA requirements to ensure it is adequate, reliable and lawful both at pre-application phase and as a part of the discharge of condition process.</p>	<p>Ensure that any recommendations for conditions where the team have been involved and requested/ discussed conditions should be discussed with the Archaeological Advice Officer prior to issue of decision notice</p> <p>Ensure that the Archaeological Advice Officer is consulted prior to the discharge of an archaeological condition</p>	<p>NPPF P169, 128 PPS5 Planning for the Historic Environment</p> <p>PPS5 Historic Environment Planning Practice Guide</p> <p>DCMS Scheduled Monuments March 2010</p>	<p>The NPPF requires that Local Authorities should "maintain or have access to a Historic Environment Record" (HER) and that the evidence it contains should be used to predict the likelihood that currently unidentified heritage assets, particularly sites of archaeological and historic interest will be identified (P169).</p> <p>P128 of the NPPF states that applicants should be expected to consult the HER and to assess the significance of heritage assets "using appropriate expertise". Archaeological potential should be assessed and evaluated using desk based assessments and where necessary through field evaluations.</p> <p>In turn the authority is instructed by the NPPF (P129) to make its own assessment of the significance of affected heritage assets and use that assessment to inform the determination of applications (NPPF P130-141). Where planning balances suggest that it is necessary that archaeological assets are to be lost P141 states that developers should be required to record and advance understanding of affected heritage assets – in the case of archaeological assets this is typically through a programme of archaeological work secured by condition.</p>
Planning, Listed Building Consent,	Affects a Designated HE Asset or its setting including Listed Buildings, Conservation	Through IDOX-Formal consultation on		HM Government The	129. Local planning authorities should identify and assess the particular significance of any

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Conservation Area	Areas, Scheduled Monument , Registered Parks and Gardens, Registered Battlefields, Protect Wrecks, Protected Military Remains	<ul style="list-style-type: none"> • All listed building consent applications • All major applications • All applications for Conservation Area Consent • All applications affecting Registered Parks and Gardens • All applications affecting Registered Battlefields, • All applications affecting Protect Wrecks, • All applications affecting Protected Military Remains • Where Planning team wish for further guidance/ advice <p>NB in addition, HE Planning archaeologists will also inspect the weekly lists</p> <p>Historic Environment Advice team should be involved in pre application discussions. Planning officer should discuss application with HE advice team as soon as possible after registration to arrange site visits if required</p>		Government's Statement on the Historic Environment for England 2010 NPPF esp Policies 128,- info required on determining applications,	heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) 132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional
World Heritage Site	Application affects World Heritage site or its immediate setting	<p>Through IDOX-Formal consultation on</p> <ul style="list-style-type: none"> • All major applications in World Heritage site 	Under the terms of the Town and Country Planning (Consultation) (England) Direction 2009, planning authorities are required to consult the Secretary of State for Communities and Local Government before approving any planning application made on or after 20 April 2009 to which English Heritage maintains an objection and which would have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone. The Secretary of State then has the discretion to call-in the	Circular 07/09: Protection of World Heritage Sites NPPF 138. Loss of a building (or other element) which makes a positive contribution to the significance of the ..World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the... World Heritage Site as a whole.	On 1 October 2008 World Heritage Sites were added to the types of land described as Article 1(5) land in the Town and Country Planning (General Permitted Development) Order 1995, World Heritage Sites are "sensitive areas" for the purposes of the environmental impact Assessment (EIA) Regulations6. This means that planning authorities must require EIA to be carried out for any development proposal in, or partly in, a World Heritage Site if they consider it is likely to have a significant effect on the environment. In addition, design and access statements are required for development

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			application for his own determination if he considers it appropriate to do so.	Cornwall and West Devon Mining Landscape World Heritage management Plan	proposals affecting World Heritage Sites
Planning or Listed Building Consent	Affects buildings which have been grant aided through Townscape Heritage Initiative Schemes or Heritage Led Grant schemes	Conservation/ Historic Environment Team/ THI Project officer - notified through direct email		Contractual requirement with external funding partners eg English Heritage, Heritage Lottery Fund	Please note that the Authority may be expected to pay back grant aid if it does not adequately safeguard areas which have been externally funded

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PARSOL standards and English Heritage's service standards for electronic statutory notifications.

The Application must be online before a Consultation Notification is issued

Statutory consultees need sufficient information to give a substantive reply – 'a genuine invitation to give advice' (ODPM Circular 08/2005).

The PARSOL standards state that:

7.4 The valid application files are loaded into the Online Planning Register **before issuing a Consultation Notification to Consultees.**"

The emails or attached cover letters sent by Cornwall Council often contain the standard sentence that "[t]he documents should normally be available to view within 24 hours of receiving this notification." This is not compliant with the required standards and is frequently received by the consultee several days before the plans are available on line. If a consultee is unable to obtain access to information relating to a notification, due to it being unavailable, they will not consider the notification to be a genuine invitation to give advice as defined in the relevant Circulars. Should they send a request for further formal notification once the supporting information is accessible their 21-day deadline for response will then commence from the date of receiving a valid notification.

Email Subject headings should contain site addresses

English Heritage's service standards state that:

The "Email subject line should contain application number **and site name**"

To enable efficient processing, an individual email should be generated for each application

Emails should contain direct links to documents

The PARSOL standards require that: "[i]ndividual Planning applications are accessible by a URL link which allows direct access to the application on the online register;" (Rule 7.6) whilst English Heritage requires:

- o "a direct hyperlink to the application and supporting documentation on the website OR
- o a hyperlink to the LPA search engine into which English Heritage can paste the unique number."

File names should reflect the content of the file

PARSOL standards require that "[f]ile names that do not reflect the content shall be renamed by the LPA." (Rule 5.1)

Documents should be clearly viewable on screen

PARSOL standards state:

2.3 Drawings, site plans, etc, for which scale is important must be in PDF or TIFF format. JPG image files cannot be effectively viewed on screen, measurements made or reliably printed to a specified scale. PDF's however are welcomed

4.7 Provide scanned documents with a minimum 200dpi (dots per inch) for Black and White and minimum 200dpi for colour. The overriding requirement is for clear accurate drawings that meet the file size limitations without marks or noise, and that do not suffer from problems such as the keystone effect.

English Heritage's firewall means that there is a 5MB limit on what can be sent to them in attachments.

External consultees

Ancient Monuments Society

Concerned with the study and conservation of historic buildings of all ages and types

Civic Trust

Established in 1957 to promote civic values and co-ordinate the work of the 900 civic societies nationwide.

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Council for British Archaeology

Concerned with archaeological evidence above and below ground, and buildings of all ages and all types.#

The Georgian Group

Concerned with architecture from the late 17th century to the early 19th century but with a watching brief over earlier and later Classical buildings.

Society for the Protection of Ancient Buildings

The oldest conservation society in the English-speaking world, founded in 1877 by William Morris and others. Concerned with pre-1700 buildings and technique and philosophy of repair. Runs National Maintenance Week.

The Twentieth Century Society

Concerned with buildings from 1914.

The Victorian Society

Concerned with Victorian and Edwardian buildings 1837 - 1914.

The Garden History Society

Promotes the protection and conservation of historic parks, gardens and designed landscapes, and advises on their restoration.

English Heritage

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