

ENABLING DEVELOPMENT PRINCIPAL CHANGES BETWEEN 2001 PUBLICATION AND 2008 POST- CONSULTATION FINAL DRAFT

1. Most of the changes consolidated in this note were made prior to the issue of the Consultation Draft of the revised text in July 2007. Post-consultation changes have comprised some re-ordering, detailed changes to the text, and a full edit.
2. All references to legislation, publications, policies etc have been updated. Quotations from 2001-2007 appeal decisions substituted for most of the earlier cases quoted in the original publication. The text has been thoroughly edited and wherever possible sharpened. General guidance common to most proposals affecting heritage assets has been omitted in favour of cross-reference where it is now available in other English Heritage guidance (especially in Section 4: see below).

Introduction and Policy

3. Minor changes of wording to policy for clarification and integration with presentation and terminology of Conservation Principles, Policies and Guidance – explained in the introduction and a footnote.

Guidance

Summary

4. A conventional short summary replaces the 'Overview' section in the original document.

Section 1: The concept of enabling development

5. This section includes the 'Concept' (pp12-13) and 'Reducing the need' (pp14-15) sections of the original document, with some editorial changes, and introduces a new, short sub-section (3) on 'Insurance'.

Section 2: Roles and responsibilities

6. This section is substantially Section 1 of the original document, updated to reflect the introduction of Local Development Frameworks, and incorporating (in sub-section 2.2) amended advice, namely to resist sitespecific enabling development policies in LDF documents. Sub-section 2.6 has been amended to reflect the completion of the review of the Register of historic landscapes and changes in the delivery of English Heritage casework advice, and makes reference to the desirability of engaging relevant statutory consultees in pre-application discussions.

Section 3: Legal basis

7. This section is substantially Section 2 of the original document, with some editorial changes.

Section 4: Understanding and identifying options

8. This brings together sections 3 and 4 of the original document, omitting much material about understanding heritage assets formerly in Section 3 and now more appropriately and extensively covered in, particularly, Informed Conservation (EH 2001) and the English Heritage Principles, Policies and Guidance (2008). It includes some new material, including an illustration of the relative inefficiency of enabling development at 4.3.6. The section on 'Historic entities' (now 4.9) is greatly expanded, and a new section has been added on 'Traditional buildings in the countryside', 4.8, to link with other EH guidance, particularly Living buildings in a living landscape (2001), which mentions the possibility of enabling development. The section on 'market testing' (4.7), has also been revised and expanded.

Section 5 – Looking at the figures

9. Some additions have been made, for example 5.4.2-4 (commercial risk), 5.5.4-6 (hotels), 5.13.2-4 (capital taxation), 5.16.1-3 (restoration), and the whole section edited, resulting in some content being moved between sub-sections.

Section 6 – Making the decision

10. This Section has been thoroughly revised in the light of experience and feedback, recognising (in 6.1.2) that enabling development that causes some marginal harm to the heritage asset may be acceptable, addressing (in 6.1.4) affordable housing, and updating in the light of current expectations of community participation in the planning system and the emerging English Heritage Principles, Policies and Guidance.

Section 7 – Securing the Benefits

11. Changes are largely editorial, but 7.6.5 and Appendix 5 have been introduced relating to long term maintenance.

Section 8 – Monitoring and enforcement

12. No substantive changes.

Appendices

13. The former Appendix 2 has been omitted (see now Informed Conservation) and the former appendices 3-5 are now renumbered 2-4. Appendix 5 is new.

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