
From: [REDACTED]
Sent: 11 June 2013 11:16
To: [REDACTED]
Subject: Consultation on Tower Hamlets' CIL Draft Charging Schedule
Importance: High

Dear Joseph

Thank you for consulting English Heritage on the above document, and note that the date for comments has now closed. However I do hope you will still be able to accept the following comments as we note that based upon the details provided it appears that our previous comments (copy letter attached) have not been addressed.

With this in mind we have concentrated our comments on the Revised Planning Obligations SPD Cabinet Draft March 2013. In particular we are keen to ensure that as part of the Borough's positive strategy on conserving and enhancing the historic environment (NPPF para 126) that the SPD recognises the value of investing in the historic environment as one of the key objectives e.g. on par with the public realm and public art. For example there could be circumstances that development proposals could have an impact upon the significance of heritage assets and in some cases cause harm. Where this is justified in accordance with the NPPF (section 12) then we would seek to ensure that s106 agreements and CIL can be used to mitigate the harm caused (e.g. upon the setting of a heritage asset which contributes to its significance, such as a listed building or upon the asset itself such as in a conservation area). In addition through the delivery of CIL as part of transport/highways improvements or public realm schemes, there is an opportunity to enhance where present the significance of heritage assets - e.g. as part of delivering the management plan of a conservation area.

The current document is silent on this potentially rewarding issue. We would therefore urge you to make reference in the document on the need to conserve and enhance the historic environment as part of the s106 and CIL approaches. This could be expressed in terms of identifying the need for direct action, where the significance of a heritage asset is affected or as a result of delivering other infrastructure within a historic environment. Details can then be articulated as part of the Threshold and Contribution requirements, in terms of the following. Where the significance of a heritage asset is identified as being affected, especially where it is harmed (subject to it being

justified in line with the NPPF) then this could act as a trigger for contributions to mitigate the impact. In addition the contributions requirements could state that the Council will seek contributions towards improving the condition of heritage assets, especially where they are at Risk (as identified on the EH Heritage at Risk Register) in proximity to the proposed development.

I hope these comments are useful and we look forward to seeing how they will be addressed and incorporated into the emerging SPD.

If you wish to discuss any of the points raised then do get back to me.



ENGLISH HERITAGE

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Your Ref:

Our Ref:

[REDACTED]

Date: 2nd January 2013

Dear Sir/Madam

London Borough of Tower Hamlets Community Infrastructure Levy – Preliminary Draft Charging Schedule

Thank you for consulting English Heritage on the London Borough of Tower Hamlets' Community Infrastructure Levy (CIL) Draft Charging Schedule. As the Government's Statutory Advisor on the Historic Environment, English Heritage is pleased to comment on this document.

English Heritage recognises the importance of Community Infrastructure Levy as a source of funding to deliver the infrastructure necessary to support the Borough's development.

However, we are concerned that the application of a local CIL charge on developments could have an impact upon the significance and/or viability of regenerating heritage assets. For example, it is recognised that when calculating the appropriate level of charge for CIL that the economic viability of development needs to be considered. Many of the sites that do come forward either contain heritage assets or are part of a heritage asset (e.g. conservation area) or will have an impact upon the setting of heritage assets. With this in mind we would seek to ensure that the calculations proposed consider their impact upon the significance of heritage assets, in the context of the level of development required to be delivered to make schemes viable.

More importantly we would suggest that where sites include Heritage at Risk Assets that the charging schedule offers discretionary relief from the need to make a CIL payment. This approach would reflect CIL Regulations (2010), paragraphs 55 - 58, which provides for charging authorities to offer discretionary relief from CIL for a chargeable development in exceptional circumstances. Our argument is that by offering this relief the heritage-led

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regeneration of these valued and in need assets could be brought back into active re-use. This approach would also help deliver the National Planning Policy Framework's requirement for a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk (paragraph 126)

We hope that these comments prove useful in finalising the Draft Charging Schedule and look forward to discussing any of the points raised prior to an EIP.

In the meantime, English Heritage would strongly advise that the local authority's conservation staff are involved throughout the preparation and implementation of the Draft Charging Schedule as they are often best placed to advise on; local historic environment issues and priorities; sources of data; and, consideration of options relating to the historic environment.

Finally, it must be noted that this advice is based on the information provided by you and for the avoidance of doubt does not affect our obligation to advise you on, and potentially object to any specific development proposal which may subsequently arise from this or later versions of the Draft Charging Schedule, and which may have adverse effects on the historic environment.