



Historic England

Our ref: PL – 00791371

Your ref:

Telephone: [REDACTED]

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16 November 2022

FAO: Development Strategy Team
localplan@rugby.gov.uk

Dear Sir/Madam,

Re: Rugby Borough Council Community Infrastructure Levy (CIL) Draft Charging Schedule Public Consultation Autumn 2022

Thank you for providing Historic England with an opportunity to comment on the review of the CIL, an important source of funding for the infrastructure required to underpin the delivery sustainable development in the Borough. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process.

Funding infrastructure

There is a wide definition of CIL in terms of what may be required. The Localism Act allows CIL to be used for the maintenance and on-going costs associated with a range of heritage assets including, for example, transport infrastructure such as historic bridges, green and social infrastructure, such as historic parks and gardens, civic spaces and public places.

Historic England therefore encourages charging authorities to consider identifying the ways in which CIL, and S106 agreements, can be used to implement Local Plan policy and proposals relating to the conservation of the historic environment, heritage assets and their setting. This will help to satisfy national planning policy (NPPF paragraphs 8, 20 and 190).

It is now well established that heritage is not an adjunct to a healthy economy, but an important component of growth and a source of employment. Consequently, Historic England suggests reference in the Infrastructure Funding Statement (IFS) to Historic England's publication "*Streets for All: Advice for Highway and Public Realm Works in*



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Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.





Historic Places”, as examples of the type of infrastructure that CIL will be spent on: <https://historicengland.org.uk/images-books/publications/streets-for-all/heaq149-sfa-national/>

Without prejudice to the above, development specific planning obligations and S106 finance will continue to offer opportunities for funding improvements to, and the mitigation of, adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets. You may wish to clarify this matter in your IFS.

Discretionary Relief for Exceptional Circumstances

The Regulations emphasise the need to strike an appropriate balance between the opportunities of funding infrastructure from the levy and the potential effects that may arise through increased pressure on the economic viability of development. For example, there could be circumstances where the viability of a scheme designed to secure the reuse and long-term viability of a heritage asset is compromised by the requirement for CIL payments.

Vacant or underused heritage assets not only fail to make a full contribution to the Borough’s economy, but they also give rise to negative perceptions about an area. This, in turn, can detract from its attractiveness to visitors and inward investment. Consequently, in setting thresholds there needs to be a clear understanding of the potential impact which CIL could have on investment in, and regeneration of, historic areas - particularly those which have been identified as being ‘at risk’.

Historic England is therefore encouraging local authorities to assert their right to apply discretionary relief for exceptional circumstances; where development which affects heritage assets and their settings and/or their significance, may become unviable if it was subject to CIL.

Paragraph 190 of the NPPF requires that local authorities set out in their Local Plan, a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In relation to CIL, this means ensuring that the conservation of its heritage assets is taken into account when considering the level of the CIL to be imposed so as to safeguard and encourage appropriate and viable uses for the historic environment.

We note that a section on ‘Exemptions’ is included in Rugby Borough’s Draft Charging Schedule. The ‘*CIL Relief Information Document*’ recommends that the conditions and procedures for CIL relief are set out in a separate statement, defining exceptional circumstances and setting a clear rationale for their use and justification in terms of the public benefit:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

In this case an example could be where CIL relief would enable the restoration of heritage assets as identified on Historic England’s ‘Heritage at Risk Register’.





Including exceptional circumstance relief for heritage assets in the CIL charging schedule document would offer some assurance to all parties that issues could potentially be considered and CIL charges negotiated, or financial contributions dealt with through a different way such as a S106 agreement. Use of exceptional circumstances relief would also offer opportunity to help keep processes on track and avoid costly delays for applicants. Therefore, we urge you to consider including the additional reference within the charging schedule and would be happy to discuss any queries you may have.

Finally, we should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.

We hope that the above comments will assist, but if you have any queries about any of the matters raised, please do not hesitate to contact me.

Yours faithfully,

[Redacted signature]

[Redacted name]

Historic Environment Planning Adviser

E-mail: [Redacted email address]

