



Historic England

Temporary Structures in Historic Places



On 1st April 2015 the Historic Buildings and Monuments Commission for England changed its common name from English Heritage to Historic England. We are now re-branding all our documents.

Although this document refers to English Heritage, it is still the Commission's current advice and guidance and will in due course be re-branded as Historic England.

Please note, the content of this guidance is under review as it does not reflect changes to the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) made subsequent to its publication.

[Please see our website](#) for up to date contact information, and further advice.

We welcome feedback to help improve this document, which will be periodically revised. Please email comments to guidance@HistoricEngland.org.uk

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TEMPORARY STRUCTURES IN HISTORIC PLACES

Guidance for local planning authorities,
site owners and event organisers



ENGLISH HERITAGE

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Front cover: **The Serpentine Gallery Pavilion**

Since 2000, there has been a series of temporary summer pavilions commissioned by the Serpentine Gallery in Kensington Gardens. The 2009 pavilion was a cloud-like metal roof structure, supported on delicate columns of varying height. Occupying the space between the tree canopy, its materials reflect the parkland setting around the listed Gallery.

Architect: SANAA

Engineer: ARUP

EXECUTIVE SUMMARY

Events in historic places make a vital contribution to the economic sustainability of our heritage. They add to the enjoyment of countless visitors at a huge range of sites, from urban squares to open countryside, as well as generating an important source of income. However, the temporary structures needed to facilitate them are not appropriate in every location, and need to be carefully positioned and designed to avoid potentially disfiguring or damaging sites and landscapes of heritage importance. This guidance helps to show how this can be done, using examples of good practice and suggesting an approach to risk assessment and mitigation.

Local authorities have a key role to play, particularly in determining whether permission is needed for individual proposals, as explained in Section 7. English Heritage is usually only involved where heritage assets of national importance are affected; however, the approach set out here can be applied to any historic site.



INTRODUCTION

- I.1 This guidance explains and illustrates 'best practice' in the project management, design and regulation of temporary structures, in historic places, both urban and rural, ranging from city squares to landscaped parks and archaeological sites. The guidance stresses the importance of taking a proportionate approach, particularly in relation to regulatory matters, because the scale and complexity of temporary structures, and their impact on the historic environment, varies widely. In publishing this guidance, English Heritage does not intend either to fetter the discretion of local planning authorities or to add to the regulatory burden on owners of historic sites.
- I.2 Events generate a wide range of cultural, social and economic benefits, as listed in Section 4. Although the majority of the temporary structures needed to accommodate them do not cause harm to the historic environment, careful planning and project management is necessary to prevent permanent damage and mitigate any adverse impacts. Section 9 suggests how this can be done.
- I.3 The guidance is concerned primarily with proposals for temporary structures that require planning permission, listed building consent, scheduled monument consent or consent under advertisement controls. However, much of the advice on management issues will be applicable even if these permissions are not required. The target audience includes planning and conservation officers in local planning authorities, owners of historic sites, event promoters and expert advisers.
- I.4 The term 'heritage assets' is used throughout this document to refer to those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest. They include historic buildings, monuments, archaeological remains and designed landscapes. The guidance will be of particular relevance where these assets have protection through listing or scheduling, or are protected through inclusion in conservation areas, World Heritage Sites, registered parks and gardens or battlefields.

'Each case will need to be considered on its merits.'

INTRODUCTION

- 1.5 Temporary structures and events raise a wide range of technical, environmental and regulatory issues which are beyond the scope of this guidance. Additional guidance on these issues can be found in *The Event Safety Guide*¹ published by the Health & Safety Executive, in *Safe Use and Operation of Marquees and Temporary Structures*, published by MUTAmarq in June 2009² and in *Temporary demountable structures: Guidance on procurement, design and use* published by the Institution of Structural Engineers, 2007³. They include structural safety, transport management, crowd management, waste management and provision of sanitary facilities.
- 1.6 A separate guidance note *Large Digital Screens in Public Spaces*, has been issued by English Heritage and CABE, and is complementary to this guidance⁴.



Art installations and sculpture trails are a popular feature in parks, gardens and urban spaces. Left: One of 28 Henry Moore sculptures exhibited at Kew Gardens, a World Heritage Site (September 2007 – March 2008). Right: One of a series of art installations in the courtyard of the Royal Academy: 'Jericho' by Anselm Kiefer; one of two concrete towers installed in 2007.

¹ *The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events*, Health & Safety Executive, 1999

² This is available via www.mutamarq.org.uk

³ www.istructe.org/publications/pubdetails.asp?pid=138

⁴ This is available via

www.english-heritage.org.uk/professional/advice/advice-by-topic/landscape-and-areas/largedigitalscreens/

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BACKGROUND

- 2.1 There is a long tradition of erecting temporary structures for special events, ranging from local community events such as fairs to national events such as victory celebrations, royal occasions, international trade exhibitions and sporting events.
- 2.2 Many heritage assets, whether in public, private or charitable ownership, rely on income generated by events. An increasing number of proposals for temporary structures in historic places of national importance are being referred to English Heritage for comment.
- 2.3 The cumulative impact of temporary structures at sites which hold multiple or repeated events can be much greater than structures for one-off events. These repeated events may vary in size and duration from year to year, or assume a more permanent character over time, making it more difficult for local planning authorities to regulate them.
- 2.4 Many owners of historic places are concerned about how to satisfy the requirements of the various statutory authorities, and unsure about the interpretation of planning law in relation to temporary structures. Section 7 explains how temporary structures are dealt with in the planning system; however, this guidance note cannot provide a definitive statement about the need for planning permission.
- 2.5 This guidance has been developed by English Heritage following a 12-week public consultation in 2009 and in consultation with a group representing stakeholder organisations.

‘The guidance stresses the importance of taking a proportionate approach, particularly in relation to regulatory matters, because the scale and complexity of temporary structures, and their impact on the historic environment, varies widely.’

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TYPES OF TEMPORARY STRUCTURES

- 3.1 This guidance is concerned primarily with structures for events, whether one-off or recurring. It applies to short-term events (i.e. for a period of days or weeks) such as concerts, outdoor theatres, fairs, rallies, horse trials, circuses, festivals, weddings and charity events, and events of slightly longer duration (i.e. for a period of months) such as outdoor art installations, 'big wheels' and seasonal hospitality. The structures may include:
- marquees;
 - kiosks and temporary cafes;
 - ice rinks;
 - stages, barriers and seating;
 - large-format television screens;
 - services and plant/machinery;
 - temporary buildings ('Portakabins'), toilets and containers;
 - sculpture and art installations;
 - large inflatable structures.
- 3.2 The guidance may also be applicable to temporary structures which are not specifically related to events, such as seasonal ticket offices, construction compounds, site huts, sports facilities and children's play equipment.
- 3.3 In addition to the structures themselves, there are associated impacts of car parking, footfall, deliveries, servicing, security, signage and connections to utilities e.g. electricity.

'The effect of temporary structures and events on the enjoyment and understanding of heritage assets should be considered.'

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TYPES OF TEMPORARY STRUCTURES



Marquees account for almost half of the temporary structures which are referred to English Heritage for comment. They vary from wedding marquees, erected for a one-off event, to more substantial structures, such as those used by hotels for seasonal hospitality. This example at Dover Castle, an English Heritage property, was erected for a short period in the summer of 2009 to house a launch event. It stands on an open area known as Palace Green in the outer bailey of the Castle. Although the whole area is scheduled, this particular site is not regarded as archaeologically sensitive. Structures in this position affect the setting of the monument, including the walls of the inner bailey and nearby structures. In this photograph, these are the former garrison school, the church of St Mary sub-Castro Church and the Roman Pharos (the latter two both listed grade I). However, the visual impact of temporary marquees in this location is regarded as acceptable, provided they are only in place for short periods (usually a period of days or weeks).

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BENEFITS OF TEMPORARY STRUCTURES

- 4.1 There are a number of potential heritage benefits listed in the *Historic Environment Planning Practice Guide*⁵ to PPS 5 (para 79) that could weigh in favour of a proposed scheme affecting the historic environment:
- It sustains or enhances the significance of a heritage asset and the contribution of its setting.
 - It reduces or removes risks to a heritage asset.
 - It secures the optimum viable use of a heritage asset in support of its long term conservation.
 - It makes a positive contribution to economic vitality and sustainable communities.
 - It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.
 - It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

‘There should not be a presumption against temporary structures simply because they are visible in the historic environment.’

⁵ The practice guide can be downloaded from www.english-heritage.org.uk/professional/advice/government-planning-policy/pps5/

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BENEFITS OF TEMPORARY STRUCTURES

- 4.2 Provided that they are well organised and carefully managed, temporary structures can deliver these benefits in a variety of ways:
- they can be an important source of income which can help to fund the repair and maintenance of heritage assets;
 - they can enrich the experience of visitors and encourage repeat visits to heritage assets;
 - they can accommodate a range of cultural, sporting and educational activities;
 - they can encourage tourism and the engagement of local communities by attracting visitors to special events such as festivals and exhibitions;
 - they can increase the capacity of historic sites temporarily, and bring a wider range of visitors;
 - they can accommodate activities such as hospitality which might pose an unacceptable risk if held in historic buildings; this is especially important in relation to historically important interiors which would be vulnerable to accidental damage and general 'wear and tear'⁶;
 - they can obviate the need for more permanent forms of development;
 - some temporary structures (such as garden pavilions and outdoor art works) can visually enhance historic places, as long as their location, scale and design are appropriate.

'The length of time for which a structure is erected is an important factor in assessing its impact.'

⁶ See *Practical Conservation Guidelines for Successful Hospitality Events in Historic Houses*, English Heritage, 2004 www.english-heritage.org.uk/publications/practical-conservation-guidelines/

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BENEFITS OF TEMPORARY
STRUCTURES

This new marquee has been erected on the site of a former service yard next to Chiswick House (a scheduled monument and a grade I listed building). The choice of location was particularly sensitive, due to the importance of the surrounding gardens and landscape which are registered grade I on the English Heritage Register of Historic Parks and Gardens. This location was chosen because it had no established history of park use, is easily serviceable and does not impinge significantly on key views. The marquee is 30m long and 15m wide, with a ridge level of about 5.5m. Although the preferred location for the marquee from a commercial point of view would be the rear lawn, this was deemed to be unacceptable for various reasons, including its prominent siting, the disturbance to views of the house and the damage to grass in prime public areas.

The marquee proposal formed part of a package of proposals comprising improved visitor facilities and a comprehensive programme of repair and restoration to the buildings and landscape. The planning permission granted in 2007 allowed the marquee to be in place for no more than three months between July and September and no more than one month between November and January in each year, for a limited period of three years. However, permission was subsequently granted to vary the condition, so that the permission will endure for five years in stead of three. This will assist in long-term planning for events as many weddings are booked two years ahead.

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PROJECT MANAGEMENT

- 5.1 Depending on the circumstances of the event, promoters and organisers may need to incorporate the following actions and considerations into the project management process:
- early consultation with the relevant authorities (such as the local planning authority, the local highway authority, the local authority environmental health department, English Heritage, Environment Agency and Natural England) and responding to any concerns raised (see paragraph 7.1).
 - where planning permission or consent is required, providing all the information needed for decision-making, in particular clear details of the impact of the proposal (see Section 8 below).
 - preparing a risk analysis and mitigation strategy in advance of the event (see Section 9) and ensuring that this is carried out.
 - realistic financial planning. For example, project budgets may need to include an allowance for the cost of managing contractors on site and adequate funds to cover the cost of repairing damage and reinstating the site following the event. A contingency may be required to cover any unforeseen impacts and insurance against the risk of damage.
 - avoiding or minimising any adverse impacts on historic buildings and monuments, archaeology, landscape and wildlife.
 - removing temporary structures and carrying out remedial works promptly after the event. This should be in accordance with an agreed methodology and timetable.
 - following the event, evaluating any impacts and applying the lessons learnt to the organisation of future events.
 - project planning for the longer term, where appropriate: for example, seeking permission for temporary structures to be re-erected at intervals over a period of several years.
 - incorporating event planning as part of a wider conservation management strategy. Where there is a Conservation Management Plan, this should include policies and techniques for managing events and temporary structures (see Section 9).

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PROJECT MANAGEMENT

- assessing and taking into account the capacity of historic sites, for example by allowing sufficient recovery time between events and avoiding over-intensive uses or seasonal peaks of demand.
- integrating any heritage-related considerations into project management processes and documents; for example, event strategies, project plans and health & safety plans. Corporate strategies should integrate the need for conservation of the heritage asset and its setting with other business objectives such as raising income from events.



Many historic parks and country estates derive income from events such as summer concerts, festivals, rallies and horse trials. These events need to be carefully managed to protect the historic landscapes and to mitigate the effects of large number of additional delivery vehicles, visitors and their cars. This example is a stage at Audley End House, an English Heritage property in Essex.

‘The proceeds from a revenue-generating event will often help to offset the operating costs of a heritage asset, including the costs of maintenance and repair.’

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EVALUATION OF PROPOSALS IN THE PLANNING SYSTEM

6.1 **The role of the local authority.** Local authorities have a responsibility to protect the historic environment in their areas through their planning policies and development control decisions, and in accordance with legislation⁷. They are also responsible for the administration of other regulations relating to licensing, traffic, building and environmental matters.

6.1.1 In administering the planning system, local planning authorities require:

- access to expert professional advice, either from specialist conservation staff or from external consultants;
- a detailed local policy framework, based on the local development framework, for the management of heritage assets.

6.1.2 Local planning authorities are responsible for the administration of planning permission, listed building consent, advertisement consent and tree protection (as explained in Section 7). Scheduled monument consent is separately administered by English Heritage on behalf of the Department for Culture, Media and Sport (DCMS). In determining planning applications, local authorities can take into account environmental impacts, for example the impact of noise from events on public amenity and any ecological impacts (see paragraph 9.6) as well as any impact on the historic environment.

6.2 **The role of English Heritage.** The English Heritage Charter⁸ explains English Heritage's advisory services for planning and development. It has a statutory role in responding as a consultee to planning authorities in connection with applications for planning permission and listed building consent. It administers applications for scheduled monument consent on behalf of DCMS, and provides related advice. In addition, it provides various types of non-statutory advice, including pre-application advice on important proposals affecting the historic environment in England, and advice on archaeology within Greater London.

⁷ The principal acts regulating the planning system are the Town & Country Planning Act 1990 as amended, the Planning and Compulsory Purchase Act 2004 and the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

⁸ *A Charter for Planning and Development Advisory Services*

www.english-heritage.org.uk/your-property/planning-advice/charter-for-eh-planning-and-advisory-services/

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EVALUATION OF PROPOSALS IN
THE PLANNING SYSTEM

6.3 English Heritage and local planning authorities are guided by Planning Policy Statement (PPS) 5: *Planning for the Historic Environment* (2010)⁹. Guidance on the interpretation of the policies in the PPS has been published in the *Historic Environment Planning Practice Guide*¹⁰. The PPS and the Practice Guide set out how the differing impacts accruing from proposals are to be weighed against each other and any other material planning considerations. This requires an understanding of the significance of the asset and the impact of the proposed scheme, whether harmful or beneficial. English Heritage's *Conservation Principles*¹¹ (2008) sets out the basis for its own consistent decision making based on the understanding and appreciation of heritage values. Paragraphs 43 – 48 explain how to apply the *Principles* in making decisions about change to significant places. Paragraph 162 states that:

Every reasonable effort should be made to eliminate or minimise adverse impacts on significant places. Ultimately, however, it may be necessary to balance the public benefit of the proposed change against the harm to the place. If so, the weight given to heritage values should be proportionate to the significance of the place and the impact of the change upon it.



Bramham Park near Leeds, a registered historic landscape, is the venue for a major annual music festival. A conservation management plan is an important tool in cases like this to ensure that areas of sensitivity are protected from damage.

⁹ PPS 5 replaces the earlier Planning Policy Guidance (PPG) notes PPG15: *Planning and the historic environment* and PPG 16: *Archaeology and Planning*. It can be downloaded from: www.communities.gov.uk/publications/planningandbuilding/pps5/

¹⁰ The Practice Guide can be downloaded from www.english-heritage.org.uk/professional/advice/government-planning-policy/pps5/

¹¹ *Conservation Principles for the Sustainable Management of the Historic Environment*, English Heritage, 2008 www.english-heritage.org.uk/professional/advice/conservation-principles/ Guidance on the application of Conservation Principles to historic parks and gardens is in preparation.

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EVALUATION OF PROPOSALS IN THE PLANNING SYSTEM

- 6.4 The issues that will concern English Heritage when evaluating proposals for temporary structures and events on which it has been consulted are described in paragraphs 6.5 – 6.12. English Heritage recommends to local planning authorities that they take these factors into account when considering whether to grant planning permission and listed building consent for temporary structures in historic places. Each case will need to be considered on its merits and a proportionate response taken, according to the circumstances.
- 6.5 **Location.** Where heritage assets of national significance are affected, English Heritage may ask for an evaluation of different options to explain and justify why a particular location has been chosen within a given site. The choice of location can affect both the visual and physical impact on the heritage asset. However, other factors, such as commercial pressures or access to services, may also influence location.
- 6.6 **Physical impact.** Temporary events sometimes generate proposals for permanent change such as ground works, felling or pruning trees to make room for temporary structures, widening gateways to accommodate delivery vehicles and introducing hard surfaces for car parks. Where these require permission, the local planning authority will need to consider if their impact on the historic environment is justified in the light of planning policy. Where such alterations would adversely affect listed buildings, scheduled monuments or protected trees, these are most unlikely to be acceptable. It is also important to avoid accidental damage to heritage structures and archaeology, and to mitigate against the impact of increased ‘wear and tear’ – paragraph 9.5 lists practical measures that can be taken.
- 6.7 **Visual impact.** There should not be a presumption against temporary structures simply because they are visible in the historic environment. In choosing a location, the visual impact on heritage assets and their setting (see 6.8) should be considered and any adverse impact on key views should be minimised, both within the site and beyond (see paragraph 9.3). The duration of the structure and the season of the event can be important factors – see 6.10 below. Visual intrusion can often be reduced by choosing a location shielded by existing features such as walls and trees. Areas used for storage, deliveries and services (such as generators) are often unsightly, but their impact may be reduced with good layout and screening. The visual impact of any advertising will also need to be taken into account.

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EVALUATION OF PROPOSALS IN
THE PLANNING SYSTEM

This 55m-high 'Big Wheel' was erected in the grounds of the Old Naval College at Greenwich during the summer of 2008. Planning permission for the wheel had been refused by the local planning authority (the London Borough of Greenwich) in 2007 but was subsequently granted on appeal. The main planning issue was the visual impact of the proposal on views and setting. The inspector commented that 'the wheel would have a significant visual presence in the World Heritage Site but it would not seriously detract from views of the important buildings. It would be likely to provide tourism and trading benefits and meet educational and cultural objectives'. He decided, on balance, that the benefits of the scheme would be sufficient to outweigh the limited damage to amenity for the short period proposed (June to October). The appeal was allowed with conditions, including access for an archaeologist nominated by the local planning authority, limits on the period and hours of operation and limits on the period and hours of construction.

Note: The appeal decision dated 14 November 2007 Ref: APP/E5330/A/07/2050125 is available at: www.planningportal.gov.uk/england/professionals/appeals/search/

'Very short term, genuinely temporary and wholly reversible changes are unlikely to have an unacceptable impact on setting. Longer term or recurrent changes, even if notionally temporary, may have a more serious impact.'

6

EVALUATION OF PROPOSALS IN THE PLANNING SYSTEM

- 6.8 **Setting.** Setting is defined in PPS 5 as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.' Applications for development affecting the setting of a designated heritage asset will need to be considered in accordance with Policy HE.10 of PPS 5. English Heritage has issued draft consultation guidance on identifying the setting of heritage assets. The most important factor in considering setting is visual impact, including the impact on key views, and how this affects an understanding and appreciation of a place and its relationship with its context. Qualities such as quietness and general tranquillity in the setting of an asset can contribute to its public appreciation. The duration of the proposed change should also be taken into account in determining the effect of a development proposal on the setting of an historic asset. Very short term, genuinely temporary and wholly reversible changes are unlikely to have an unacceptable impact on setting. Longer term or recurrent changes, even if notionally temporary, may have a more serious impact.
- 6.9 **Design.** Special attention should be given to the design of temporary structures where they affect important views of heritage assets. The shape, materials or colour of structures such as marquees may need to be modified to suit their surroundings. There can be a significant difference in appearance between a marquee with rigid side panels compared with one which is clad in cloth or fabric. In cases of exceptional sensitivity, a bespoke design may need to be considered as an alternative to an 'off-the-peg' structure.
- 6.10 **Duration and season.** The length of time for which a structure is erected is an important factor in assessing its impact. For example, the impact of a marquee erected for one weekend is much less than the same marquee erected for a whole year. The season may also be a factor; for example, trees in leaf can help to screen temporary structures.
- 6.11 **Public access.** The effect of temporary structures and events on the enjoyment and understanding of heritage assets should be considered. In most cases the effect will be beneficial, for example by attracting a wider range of visitors to a site. However, ticket-only events may exclude the public from historic areas (like garden squares or public parks) which are normally accessible. The accessibility of temporary structures for people with disabilities should be taken into account.¹²

¹² See *Easy Access to Historic Buildings*, English Heritage 2004 and *Easy Access to Historic Landscapes*, English Heritage and Heritage Lottery Fund 2005. They can be downloaded from: www.english-heritage.org.uk/publications/easy-access-to-historic-buildings/ www.english-heritage.org.uk/publications/easy-access-historic-landscapes/

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EVALUATION OF PROPOSALS IN THE PLANNING SYSTEM

6.12

Financial benefits. The proceeds from a revenue-generating event will often help to offset the operating costs of a heritage asset, including the costs of maintenance and repair. In some cases, local planning authorities may wish to explore how the proceeds can be reinvested in the heritage asset, for example by identifying a specific repair project; in such cases a financial justification may be required to support a planning application (see paragraph 8.3). Exceptionally, in order to secure a specific benefit, the local planning authority can grant permission subject to an agreement under Section 106 of the Town and Country Planning Act 1990 as amended.¹³



The vast enclosure of the grade II* listed Battersea Power Station has had a number of temporary events held within it or around it, including a six-week funfair in 1995, Cirque du Soleil in 2000 – 2001 and London Fashion Week in 2003. In 2009, planning permission was granted by Wandsworth Borough Council for a series of interlinked temporary structures within the former boiler house for a three-year period. This was put forward by the applicants as part of their programme of generating short-term revenue from the site in order to help fund ongoing maintenance of the listed building and project costs in relation to permanent development of the site. A number of specialist reports were submitted in support of the application including a detailed noise impact assessment.

¹³ See ODPM Circular 05/05: *Planning Obligations*
www.communities.gov.uk/publications/planningandbuilding/circularplanningobligations/

6

EVALUATION OF PROPOSALS IN THE PLANNING SYSTEM

6.13

Enabling development. The concept of enabling development will rarely be applicable to temporary structures. It is defined by English Heritage as 'development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved'. More detailed guidance is set out in English Heritage's updated guidance note on this topic¹⁴. This is designed to apply to permanent development; however, in exceptional cases a case may be made for a temporary structure as enabling development. If approval is given for the temporary structure as enabling development, provision should be made for the proceeds derived from the development to be spent on the heritage asset. These provisions can be achieved through an agreement entered into under Section 106 of the Town and Country Planning Act 1990 as amended.



This temporary theatre in Kensington Gardens was erected to house a production of 'Peter Pan'. It was located in a grassed area of the park (a grade I registered landscape) normally used for informal recreation. A planning application was made to Westminster City Council in July 2007, with supporting information that included several specialist surveys and reports as well as drawings and a design and access statement. English Heritage had initial concerns regarding the visual impact of the proposals and how they related to an overall strategy for events in the park. The applicant answered these concerns by supplying photomontages and panoramic views to show the appearance of the theatre in the context of the park, as well as information about other events planned for the Royal Parks. Planning permission was granted with ten conditions in December 2007. The show ran for five months during the summer of 2009 and attracted 150,000 visitors, generating a significant income for the Royal Parks.

¹⁴ HELM page:
www.english-heritage.org.uk/publications/enabling-development-and-the-conservation-of-significant-places/

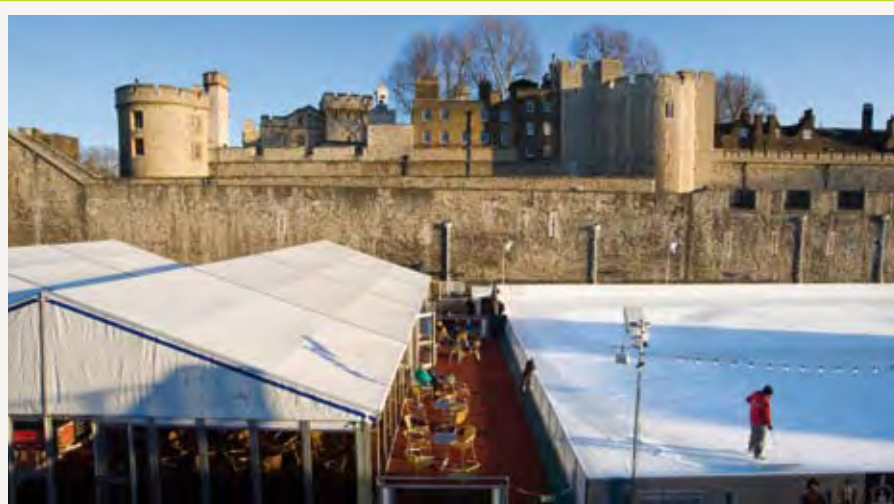
7

STATUTORY PLANNING CONTROLS

7.1 Temporary structures and the planning system

7.1.1 This is a complex and changeable area of planning law. It is good practice for owners or their agents to inform the local planning authority of proposals to erect temporary structures, even if the owners or their agents consider permission or consent is not needed, to ensure there is no breach of legislative requirements. Local planning authorities will normally offer an informal view about the need for permission or consent. If permission or consent is required but is not obtained, enforcement action may be taken by the local planning authority to address the situation. English Heritage should always be consulted about proposals affecting scheduled monuments (see paragraph 7.4).

7.1.2 Sufficient time should be allowed in advance of the event for consultation with the relevant authorities, and for any permissions or consents to be obtained. It is advisable to contact the local planning authority before making a formal application to ensure that all issues are addressed. The amount of time required for pre-application negotiation will vary, but at least 12 – 16 weeks should be allowed for negotiation and obtaining permission or consent before an event is to be held. In most cases, planning and listed building consent applications are determined within eight weeks, provided that all the necessary information has been submitted at the outset (see Section 8) and the application has been validated.



At the Tower of London, events in the moat are an important source of income for Historic Royal Palaces (HRP). A protocol for events in the moat has been agreed between HRP and English Heritage. This was informed by a detailed views analysis. The protocol regulates the location, size, duration and design of temporary structures and thus protects the setting of the monument and views within the World Heritage Site. HRP have obtained a five-year scheduled monument consent for a winter ice rink as well as one-off consents for a winter corporate events tent, a summer corporate events tent and a summer music festival.

7

STATUTORY PLANNING CONTROLS

7.1.3 The guidance in the remainder of this section should not be taken to be the definitive position on the law. General advice about the planning system can be found on the Government's planning portal website.¹⁵

7.2 Planning permission

7.2.1 **When is planning permission needed?** Planning permission is required for any activities that amount to 'development'. The Town and Country Planning Act 1990 as amended defines 'development' as 'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'. It will be a matter of fact and degree as to whether any given proposal falls within the definition of development. In cases of doubt, an application can be made to the local planning authority to establish whether planning permission is required¹⁶. As can be seen from the definition above, development can either be 'operational' development (building, engineering, mining or other operations), or a 'material change of use'. Table I explains the process for determining whether a temporary structure requires planning permission.

7.2.2 **Operational development.** It is not always straightforward whether temporary structures fall within the category of 'operational development', and when considering cases, the approach taken by the courts is to ask whether what has been done has resulted in the erection of a 'building'. Three primary factors are relevant to the question of what is a building. The first factor is the 'size' of the structure, as a 'building' is normally something which is constructed on site, as opposed to being brought to site already made. The second factor is 'permanence', as a building, structure or erection normally denotes the making of a physical change of some permanence. The third factor is 'physical attachment' to the land, which in itself is inconclusive, but when weighed against other factors may tip the balance. In the case of *Skerritts of Nottingham Ltd v Secretary of State for the Environment, Transport and the Regions (No 2)* 2000, a marquee (40m x 17m) erected on a hotel lawn for a period of eight months was securely anchored and was seen as development and required planning permission. The implication of this is that the larger, more permanent and physically attached the structure is, the more likely it is to require planning permission. Whether a temporary structure requires permission or not is very much dependent on the facts of each case.

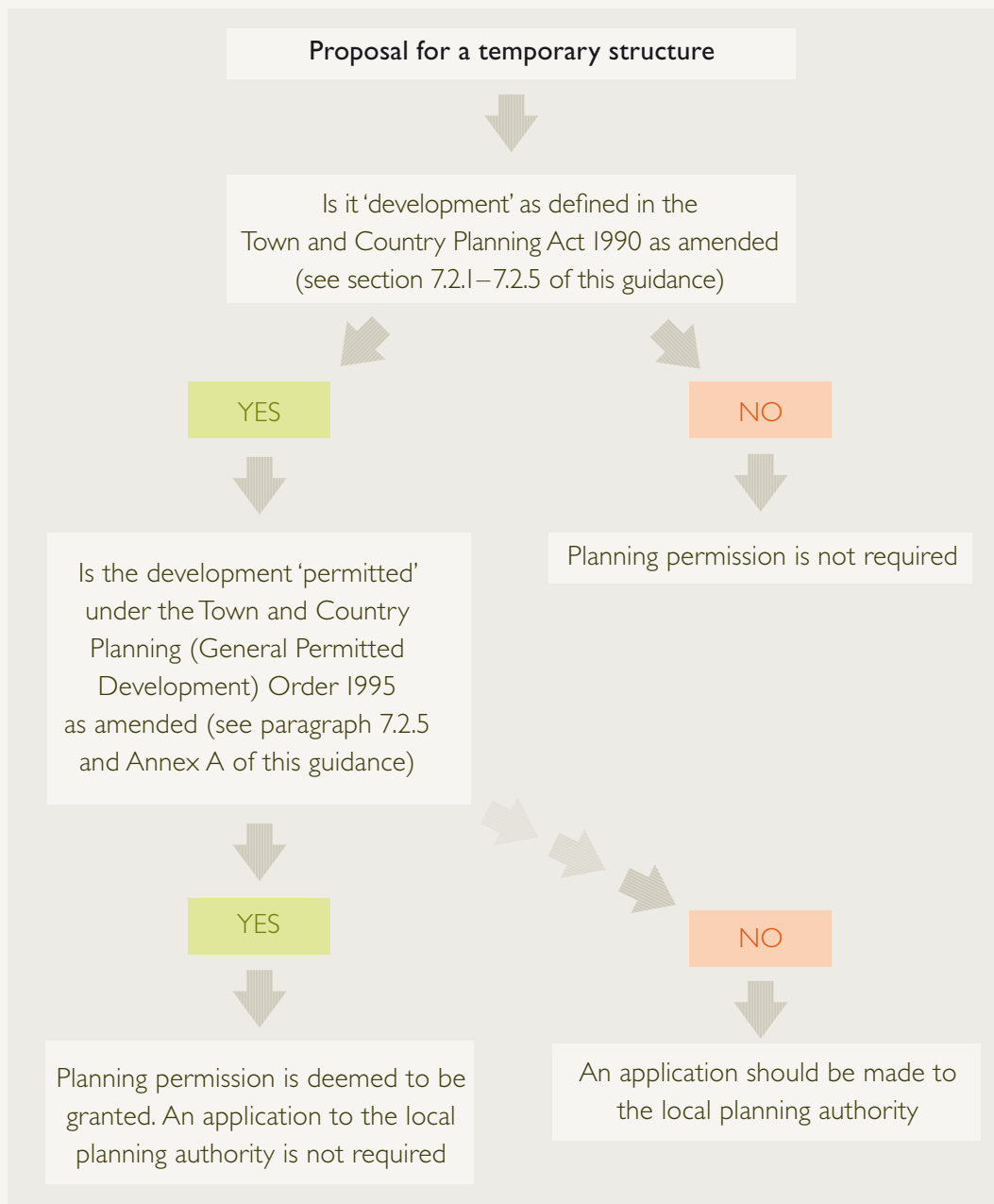
¹⁵ www.planningportal.gov.uk

¹⁶ Under sections 191 and 192 of the Town and Country Planning Act 1990 as amended applications can be made to the local planning authority to establish the lawfulness of either the current or proposed action to be taken. Section 191 is headed 'Certificate of lawfulness of existing use or development', and section 192 is headed 'Certificate of lawfulness of proposed use or development'. The planning merits of such applications will not be taken into account as the authority is asked to consider the lawfulness, and it can be a useful procedure by which to establish the position without having to submit a planning application.

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STATUTORY PLANNING
CONTROLS

TABLE I Process for determination of whether a temporary structure requires planning permission (see section 7.2)



NB. Irrespective of the need for planning permission, a temporary structure may require listed building consent (see 7.3) or scheduled monument consent (see 7.4). Other regulatory approvals may also be needed (see 6.1).

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STATUTORY PLANNING CONTROLS

- 7.2.3 **Material change of use.** As noted above, a material change of use also constitutes development. Therefore, even if a temporary structure is not a 'building', planning permission would be needed if there is a material change in the use of the land upon which the structure is placed, unless the use is permitted under Part 4 Class B of the Town and Country Planning (General Permitted Development) Order 1995 as amended (see further below and also Annex A).
- 7.2.4 **How is planning permission granted?** Permission for development may be granted in various ways, most usually by:
- The local planning authority (or, by the Secretary of State on appeal or the calling in of the application); or
 - A Development Order (such as the Town and Country Planning (General Permitted Development) Order 1995 as amended¹⁷).
- 7.2.5 **Permitted development.** The Town and Country Planning (General Permitted Development) Order provides for the granting of planning permission for development specified in the Order, or for development of any specified class. Part 4 of the Second Schedule deals with permitted development for temporary buildings and uses and the full text of Part 4 is reproduced at Annex A. In particular, Class B of Part 4 permits the use of land for not more than 28 days in total in any calendar year, or not more than 14 days in total if the use would be in relation to the holding of a market, or motor car and motorcycle racing. No use is permitted however under Class B if the use of the land would be within the curtilage of a building. (NB There is no statutory definition of curtilage; however, it is usually interpreted as a small area forming part or parcel with the house or building which it contains, or to which it is attached. It is a matter of fact and degree as to its extent). Should the proposals therefore fall within either of the Classes outlined in Part 4, express planning permission would not be required, as the Order would be the permission.

'It will be a matter of fact and degree as to whether any given proposal falls within the definition of development.'

¹⁷ www.opsi.gov.uk/si/si1995/Uksi_19950418_en_1.htm

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STATUTORY PLANNING
CONTROLS

7.2.6

Planning policies and considerations. If planning permission is required, the local planning authority will need to determine the matter in accordance with the development plan unless material considerations indicate otherwise. Material considerations are broadly interpreted as any consideration relating to the use and development of land. In relation to the historic environment, the local planning authority must take into account the policies in PPS 5 (see paragraph 6.3). This includes a presumption (PPS 5, HE9.1) in favour of the conservation of the following categories of designated heritage asset:

- **World Heritage Sites.** These are inscribed by the UNESCO World Heritage Committee for their Outstanding Universal Value. Circular 07/09 *Protection of World Heritage Sites*¹⁸ gives advice on their protection and management. See also paragraph 98 of PPS 5.
- **Scheduled Monuments.** These are designated under the Ancient Monuments and Archaeological Areas Act 1979 by the Secretary of State for their national importance.
- **Listed Buildings.** These are designated under the Planning (Listed Buildings and Conservation Areas) Act 1990 by the Secretary of State for their special architectural or historic interest. The local planning authority are required to have 'special regard' to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest which it possesses.
- **Conservation Areas.** These are designated under the Planning (Listed Buildings and Conservation Areas) Act 1990. The local planning authority must pay 'special attention' to the desirability of preserving or enhancing the character and appearance of any buildings or other land in a conservation area.
- **Registered Parks and Gardens.** These are designated by English Heritage for their special historic interest.
- **Registered Battlefields.** These are designated by English Heritage on a non-statutory basis.

¹⁸ www.communities.gov.uk/publications/planningandbuilding/circularworldheritage/

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STATUTORY PLANNING
CONTROLS

PPS 5 advises local planning authorities to take into account the impact of a proposal on the significance of any heritage asset, whether designated or not. Heritage assets can include unscheduled archaeological sites¹⁹, historic parks and gardens²⁰ which have not been registered by English Heritage and locally listed heritage assets that have been identified by Local Planning Authorities in their development plans. The effect of an application on the significance of an undesignated heritage asset or its setting is a material consideration in determining an application.

7.2.7 Planning conditions. If planning permission is granted, conditions can be attached to ensure that the impact of temporary structures is minimised²¹. For example, conditions may require reinstatement of affected areas to their former state within a given timescale, submission of additional information (such as a method statement, risk assessment or details of landscaping works), or restriction of the period permitted for a given structure or use. A set of possible conditions for use in relation to temporary structures is available from the Government Historic Estates Unit at English Heritage²².

7.2.8 Temporary permissions. In some circumstances, a temporary planning permission may be granted (where permission is given for buildings or works for a set period, after which time they are to be removed). This may be appropriate either when a temporary form of development is being proposed, or a trial run is needed to assess the effect of the development on the land. A trial run allows the applicant and the local planning authority to evaluate the benefits and any disbenefits of a proposal in a low-risk way, provided that it is fully reversible and will not have a permanent physical effect on the asset. Circular 11/95 gives more detailed guidance on the principles applying to temporary permissions (see paragraphs 109 – 113).

‘Sufficient time should be allowed in advance of the event for consultation with the relevant authorities, and for any permissions or consents to be obtained.’

¹⁹ Consulting the relevant Historic Environment Records (HERs) will help to clarify whether there are archaeological remains in the area. Contact details for HERs can be found on the Heritage Gateway website: www.heritagegateway.org.uk/gateway/

²⁰ The UK Parks and Gardens Database contains information about parks and gardens, whether registered or not: www.parksandgardens.ac.uk

²¹ Circular 11/95: *Use of Conditions in Planning Permission* – which sets out the various tests to be satisfied for conditions to be imposed www.communities.gov.uk/publications/planningandbuilding/circularuse/

²² Email enquiries: gheu@english-heritage.org.uk

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STATUTORY PLANNING CONTROLS

7.3 Listed building consent

7.3.1 Listed buildings are dealt with under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. Section 7 of the Act provides that consent is required for any works of demolition, alteration or extension to a listed building which would affect its character as a building of special architectural or historic interest. It is a criminal offence to carry out such works without consent, and temporary works are not exempted from this. It is important that advice is sought from the local planning authority on the need for listed building consent. Listed building consent would not be required for the erection of a structure in the curtilage of a listed building, provided that it is not fixed to any listed structure.

7.3.2 The policies in PPS 5 *Planning for the historic environment* (see paragraph 6.3) are a material consideration which must be taken into account by local planning authorities in relation to heritage-related consent regimes including listed building consent.

7.4 Scheduled monument consent

7.4.1 Scheduled monument consents are administered by English Heritage on behalf of the Department for Culture, Media and Sport ('DCMS')²³. Unless class consents apply²⁴, works to a scheduled monument, whether above or below ground, including excavation, require scheduled monument consent. It is a criminal offence to carry out unauthorised works on a scheduled site or to cause damage to a scheduled monument, whether intentionally or through recklessness. The relevant legislation is contained in the Ancient Monuments and Archaeological Areas Act 1979, as amended.

7.4.2 The advice of English Heritage should be sought about the need for consent and to agree a method of work which avoids damage or disturbance to the monument. Where a marquee, for example, is to be erected, it may be necessary to consider alternative locations or methods of fixing to minimise the risk of disturbance or damage to any buried remains. The use of weights as a method of anchoring the structure may avoid the need for excavation.

²³ www.english-heritage.org.uk/professional/advice/our-planning-role/consent/smc/

²⁴ See The Ancient Monuments (Class Consents) Order 1994

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STATUTORY PLANNING CONTROLS

7.4.3 Whilst PPS 5 covers planning decisions concerning scheduled monuments, it does not cover scheduled monument consent. The Government's approach to the granting of scheduled monument consent is included in the policy statement *Scheduled monuments: Identifying, protecting, conserving and investigating nationally important archaeological sites under the Ancient Monuments and Archaeological Areas Act 1979* (DCMS, March 2010)²⁵.

7.5 Advertisement consent

7.5.1 Advertisements require express advertisement consent from the local planning authority unless they have 'deemed' consent under Schedule 3 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007. Schedule 3 of the Regulations sets out various classes of advertisements that can be displayed with 'deemed consent' subject to various limitations. Class 3D of Part I of Schedule 3 grants consent for an advertisement 'announcing any local event of a religious, educational, cultural, political, social or recreational character or relating to any temporary matter in connection with an event or local activity of such a character, not being an event or activity promoted or carried on for commercial purposes'. The number of days such advertisements can be displayed is strictly limited and there are restrictions on the size and height of the display above the ground. In addition it cannot be illuminated. Advice should be sought from the local planning authority on the need for advertisement consent.

7.6 Statutory protection of trees

7.6.1 Trees may be protected either because they are in conservation areas or through Tree Preservation Orders. It is an offence to top, lop, uproot, fell or otherwise damage a protected tree. Therefore before works are undertaken to trees, the position should be clarified with the local planning authority. If the tree is protected by a Tree Preservation Order (TPO) an application for TPO consent is required for any works to the tree. This type of application may take 8 weeks or more to determine. If the tree is within a conservation area, notification must be given to the local planning authority 6 weeks before any work commences. In that period the local planning authority has the opportunity to make a Tree Preservation Order. Advice on the management of trees is given in paragraph 9.5.

²⁵ This can be downloaded from: www.culture.gov.uk/what_we_do/historic_environment/4171.aspx

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INFORMATION IN SUPPORT OF PROPOSALS

- 8.1 Applicants for planning permission and listed building consent will need to check with the local planning authority what information is required in support of the application, as set out in the validation checklists adopted by most authorities. Under the Planning and Compulsory Purchase Act 2004, it is a requirement to include a Design and Access Statement with applications for planning permission (other than those for changes of use and those made by householders) and listed building consent.²⁶
- 8.2 The English Heritage Charter²⁷ includes advice about the range of information it requires when consulted on proposals affecting nationally important heritage assets. The amount of information required should be proportionate to the importance of the heritage asset and the impact of the proposal. This is of particular relevance to applications for temporary structures, as the cost of preparing the application and any supporting documents may be relatively high in relation to the income derived from the event. In addition to plans and drawings showing the proposed structure, a written statement explaining the proposals will be required. The statement should refer to any other policy statements, where these are relevant, such as Conservation Management Plans and local planning policies.
- 8.3 Depending to the circumstances of the proposal, additional supporting information may be necessary:
- **An evaluation of different options**, assessing the different impacts and risks associated with alternative locations or designs.
 - **Visualisations and views analysis**. Perspectives or photo-montages, models or computer-generated images can be used to show the impact of any structures on the heritage asset and its setting. Where the visual impact and the sensitivity of the asset are both exceptionally high, a views analysis may be required. Guidance on the analysis of important views is being developed by English Heritage²⁸.

²⁶ Detailed advice about design and access statements is contained in DCLG Circular 01/2006: *Guidance on changes to the development control system*. This can be downloaded at: www.communities.gov.uk/publications/planningandbuilding/circularcommunities2/

²⁷ www.english-heritage.org.uk/your-property/planning-advice/charter-for-eh-planning-and-advisory-services/

²⁸ *Seeing the History in the View*, English Heritage, 2008: www.english-heritage.org.uk/professional/advice/advice-by-topic/setting-and-views/seeing-the-history-in-the-view/

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INFORMATION IN SUPPORT OF PROPOSALS

- **An archaeological assessment.** Where there is potential for disturbing archaeological remains, it may be necessary to commission an assessment by a registered archaeological organisation or professionally-qualified archaeologist, preferably a member of the Institute for Archaeologists²⁹. This would normally be a desk-based evaluation (see PPS 5, HE6.1). In London, English Heritage provides advice through the Greater London Archaeological Advisory Service. Elsewhere, the advice of the county Historic Environment Record should be sought.
- **An assessment of potential risks and impacts,** based on the table in Section 9 below, with corresponding precautions and works of mitigation.
- **A financial justification.** In general, proposals for temporary structures will be considered on their merits by local planning authorities, without the need for any financial justification. However, in some circumstances it will be necessary to demonstrate that the income generated by a temporary structure will be used to benefit the heritage asset (see 6.12). This may be a critical factor where the benefits and disbenefits of a proposal are finely balanced.

‘The amount of information required should be proportionate to the importance of the heritage asset and the impact of the proposal. This is of particular relevance to applications for temporary structures, as the cost of preparing the application and any supporting documents may be relatively high in relation to the income derived from the event.’

²⁹ Information about registered organisations can be found on the Institute's website www.archaeologists.net

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RECOMMENDED MANAGEMENT PRACTICES

- 9.1 A risk assessment and management strategy can be helpful, whether or not a formal application to the local planning authority is required. This is distinct from a health and safety risk assessment which is important but outside the scope of this document (see paragraph 1.5). The following paragraphs describe management practices and precautions which can be incorporated in management plans and adapted to particular sites. Normally, the risk assessment is done by owners or their advisers; it need not be a lengthy or expensive process except in the most complex cases. By identifying potential problems at the project planning stage, measures can be taken to avoid or to mitigate them. This can help to protect the heritage asset, by minimising the risk of damage as well as the cost of repairs or reinstatement after an event.
- 9.2 Establishing clear lines of communication and responsibility is essential for the smooth running of events, from setting up to taking down. There should be designated points of contact for all the parties involved including the client, the event manager and any contractors. It may be necessary for the client to appoint a professional representative to manage the contractor and ensure that any works are carried out in accordance with an agreed method statement.



Trafalgar Square is used for a wide variety of activities and events throughout the year, including rallies and demonstrations, concerts and festivals. As well as stages, there are often temporary site cabins, barriers, hoardings, advertising, plant and storage areas. These can have a major impact on the appearance of the square and views across it. The erection and dismantling operations of these structures also have a visual impact, and need careful management to minimise any risks, such as damage to pavings, balustrades, steps and statuary.

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RECOMMENDED
MANAGEMENT PRACTICES

- 9.3 **Minimising visual intrusion.** Temporary structures should be sited to minimise their impact on important views and disturbance of the visual character of historic areas. Careful design and organisation can help to minimise the impact of temporary services, signage and fencing which would otherwise detract from the appearance and ambience of heritage sites. Minimising the set-up and take-down periods can help to reduce their impact, especially for short-term events such as summer festivals. However, it is important that erection and dismantling operations are carried out carefully, according to an agreed method statement and a realistic timetable. Any reinstatement works should be carried out promptly.

Aim	Possible management practices and precautions
Minimise any adverse visual impact on significant views of the heritage asset	<ul style="list-style-type: none"> – Conduct a design study to confirm any visual impacts of temporary structures on key views (see 8.3) – Agree measures with relevant authorities such as the local planning authority ('LPA') or English Heritage, to reduce or avoid visual intrusion by alterations to location, layout and design.
Ensure that any structures are appropriate to their surroundings	<ul style="list-style-type: none"> – Consider alternative design solutions: explore alternative colours, materials and forms for temporary structures. – Consider 'bespoke' design in cases where an 'off-the-peg' solution would be inappropriate.
Minimise any adverse visual impact of temporary services	<ul style="list-style-type: none"> – Consider the need for temporary screening to hide items such as bins, generators, storage areas and toilets. – Implement 'housekeeping' measures to reduce the impact of services such as pipes and cables.
Minimise any adverse visual impact of temporary signage and advertising	<ul style="list-style-type: none"> – Consider alternative design solutions and locations sensitive to the heritage context and setting.
Minimise adverse visual effects of erection, dismantling and ground disturbance before and after the event	<ul style="list-style-type: none"> – Minimise the set-up and take-down periods. – Ensure that any re-instatement works, for example re-seeding or re-turfing of grassed areas, are carried out promptly after the event.

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RECOMMENDED
MANAGEMENT PRACTICES

- 9.4 **Preventing physical damage to heritage assets.** Examples of damage include the impact of temporary services and fixing points in areas of archaeological sensitivity, accidental damage to the fabric of historic structures, and the erosion of landscape features. It is important to inform contractors working on a site about any heritage assets and reasons for caution.

Aim	Possible management practices and precautions
Prevent damage to historic features such as gate-posts, railings, garden statues and trees ³⁰ due to extra vehicle movements	<ul style="list-style-type: none"> – Divert deliveries via less sensitive routes and agree with relevant authorities such as the LPA or English Heritage. – Provide physical protection to valuable or delicate items. – Mark up a site plan showing potential risks and integrate this into the project plan.
Prevent damage to below-ground archaeological remains and tree roots	<ul style="list-style-type: none"> – Use weights (such as water-filled tanks) to restrain marquees, as an alternative to ground anchors. (However, there are safety risks associated with the stability of weighted marquees in high winds.) – Where excavation is proposed, avoid areas of archaeological sensitivity and liaise with the relevant authorities such as the LPA and English Heritage. – Limit the depth or extent of disturbance to avoid historical remains or tree roots. – Consider installing fixed marquee points that can be re-used by the contractor in subsequent erection operations (subject to scheduled monument consent on scheduled sites).
Prevent damage to historic buildings, other heritage structures and trees during erection and dismantling operations	<ul style="list-style-type: none"> – Maintain a minimum clearance between existing historic features (including trees) and any temporary structure. – Provide physical protection to valuable or vulnerable features. – Agree a method statement with relevant authorities such as the LPA and English Heritage for erection and dismantling to minimise the risk of accidental damage. – Ensure that no fixings, permanent or temporary, are made to buildings, structures or trees, other than those expressly agreed in advance with the relevant authorities.

³⁰ See *Ancient Tree Guides No.2: Trees in historic parks and landscape gardens*, The Woodland Trust & the Ancient Tree Forum

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RECOMMENDED
MANAGEMENT PRACTICES

9.5 **Managing ‘wear and tear’.** Some temporary events attract large numbers of additional visitors and vehicles, which can cause erosion of grassed areas, damage to trees, soil compaction and a general degradation of the landscape. For detailed advice on the management of grassed areas and trees, see the English Heritage handbook on historic parks, gardens and landscapes.³¹ The measures below should not be applied where they would cause disturbance to ecologically-important grassland (see 9.6).

Aim	Possible management practices and precautions
Maintenance of grassed areas affected by higher intensity of pedestrian traffic	<ul style="list-style-type: none"> – Use temporary flooring to protect lawned areas (although if down for more than a few days this may kill the turf by depriving it of light). – Use more wear-tolerant grass varieties and increase levels of maintenance (especially aeration), provided that this does not involve disturbance of ecologically-important grassland (see 9.6). – Spread the wear pattern by varying access routes. – Re-seed, taking into account the best seasons for sowing, or re-turf following the event, provided that this does not involve disturbance of ecologically-important grassland (see 9.6). – Grass reinforcement at pinch points.
Maintenance of grassed areas affected by higher intensity of vehicular traffic	<ul style="list-style-type: none"> – Ensure that service vehicles keep to specified routes. – Lay temporary trackways at the start of operations (not after damage has occurred) and remove them between set-up and take-down, to ensure turf beneath does not die. – Ensure that any trackways are sufficiently robust to carry the weight of the construction plant and vehicles to be used. – Avoid poorly-drained areas. – Aerate areas after use, using deep penetration aeration where necessary and permissible.

³¹ *The management & maintenance of historic parks, gardens & landscapes: The English Heritage handbook*, edited by John Watkins and Tom Wright, published by Frances Lincoln 2007

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RECOMMENDED
MANAGEMENT PRACTICES

Aim/continued	Possible management practices and precautions
Prevent ground saturation and/or flooding due to diversion of rainwater run-off from structures	<ul style="list-style-type: none"> – Install temporary rainwater drainage and discharge to existing drains or soakaways, where appropriate and following liaison with relevant authorities such as the LPA and the Environment Agency.
Prevent damage to tree root systems due to compaction and ground disturbance	<ul style="list-style-type: none"> – Avoid locating temporary structures, paths, parking areas and vehicle routes close to trees. – Provide temporary barrier protection – liaise with the relevant authorities such as the LPA and in particular their arboricultural officers.
Prevent damage to hard surfaces, such as staining, marking and cracking of stone pavings and steps	<ul style="list-style-type: none"> – Provide temporary protection to hard surfaces, in consultation with the relevant authorities.



Construction works can adversely affect ground drainage. In this case (Fulham Palace, London) ground compaction and ponding resulted from a combination of exceptionally wet weather combined with point loading of construction vehicles which were setting up over a four-day period for a major function elsewhere on the site.

The remedial works were integrated with a community excavation of the upper layers of topsoil (mainly aimed at children) as part of the Festival of British Archaeology in July 2008.

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RECOMMENDED
MANAGEMENT PRACTICES

- 9.6 **Avoiding disturbance of wildlife and ecology.** Project planning for temporary structures and associated events should take account of any areas of protected wildlife habitat or ecological importance and any protected water sources. Natural England (www.naturalengland.org.uk) and the Environment Agency (www.environment-agency.gov.uk) may need to be consulted at an early stage of project planning; an ecological assessment may be necessary to clarify any constraints.

Aim	Possible management practices and precautions
Avoid disruption of protected areas such as Sites of Special Scientific Interest (SSSI)	– Setting up a temporary structure within a protected area or close to a protected area may require consent from Natural England.
Avoid disruption of protected species such as bats	– A licence may be required if the site is home to or used by a protected species. Setting up a temporary structure which might adversely affect a protected species could be an offence (for example, events such as fireworks, laser or light shows).
Avoid disturbance of wildlife and ecology in general	<ul style="list-style-type: none"> – Avoid disturbance wherever possible, for example to birds and their nests during the nesting season. It is illegal to intentionally take, damage or destroy the nest of any bird when it is in use. – Take advice from an ecologist at the project planning stage to avoid possible conflicts.
Avoid disturbance of traditionally managed grassland	– Traditionally managed grassland, such as the long-established lawns of country houses, are potentially rich in important fungi such as waxcaps ³² . These fungi are vulnerable to damage from changes in grass management, trampling, compaction, shading and physical disturbance.
Avoid contamination of water sources	– Check with the Environment Agency and discuss any constraints on location or need for mitigating measures.

³² See *Waxcap grasslands – an assessment of English sites*, English Nature 2003. This is available at <http://naturalengland.etraderstores.com/NaturalEnglandShop/R555>

ANNEX A

Extract from the Town and Country Planning (General Permitted Development) Order 1995 as amended

PART 4 TEMPORARY BUILDINGS AND USES

Class A Permitted development

- A. The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.

Development not permitted

- A.1 Development is not permitted by Class A if –
- (a) the operations referred to are mining operations, or
 - (b) planning permission is required for those operations but is not granted or deemed to be granted.

Conditions

- A.2 Development is permitted by Class A subject to the conditions that, when the operations have been carried out –
- (a) any building, structure, works, plant or machinery permitted by Class A shall be removed, and
 - (b) any adjoining land on which development permitted by Class A has been carried out shall, as soon as reasonably practicable, be reinstated to its condition before that development was carried out.

ANNEX A

Class B Permitted development

- B.** The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes referred to in paragraph B.2, and the provision on the land of any moveable structure for the purposes of the permitted use.

Development not permitted

B.1 Development is not permitted by Class B if –

- (a) the land in question is a building or is within the curtilage of a building,
- (b) the use of the land is for a caravan site,
- (c) the land is, or is within, a site of special scientific interest and the use of the land is for –
 - (i) a purpose referred to in paragraph B.2(b) or other motor sports;
 - (ii) clay pigeon shooting; or
 - (iii) any war game, or
- (d) the use of the land is for the display of an advertisement.

Interpretation of Class B

B.2 The purposes mentioned in Class B above are –

- (a) the holding of a market;
- (b) motor car and motorcycle racing including trials of speed, and practising for these activities.

-
- B.3** In Class B, 'war game' means an enacted, mock or imaginary battle conducted with weapons which are designed not to injure (including smoke bombs, or guns or grenades which fire or spray paint or are otherwise used to mark other participants), but excludes military activities or training exercises organised by or with the authority of the Secretary of State for Defence.

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