

BABERGH DISTRICT COUNCIL

FROM: Head of Natural and Built Environment **REPORT NUMBER:** **J123**

TO: DEVELOPMENT COMMITTEE **DATE OF MEETING:** 21 October 2009

CONSULTATION ON RESPONSE TO THE NEW PLANNING POLICY STATEMENT FOR THE HISTORIC ENVIRONMENT (PPS15: PLANNING FOR THE HISTORIC ENVIRONMENT)

1. PURPOSE OF REPORT

1.1 To provide Members with an opportunity to agree a response to the Government's invitation to comment on a new integrated national planning policy document on the historic environment.

2. RECOMMENDED TO STRATEGY COMMITTEE

2.1 That, the proposed response to the Department of Communities and Local Government as set out in Appendix A be approved as the District Council's formal response to the consultation on the new Planning Policy Statement for the Historic Environment (PPS 15 – Planning for the Historic Environment).

The Development Committee is asked to make a recommendation to Strategy Committee which is able to resolve this matter.

3. FINANCIAL IMPLICATIONS

3.1 None arising directly from the content of this report.

4. RISK MANAGEMENT

4.1 This report is most closely linked with the District Council's Significant Business Risk No.10 (Local Response to National Issues). The key risks are set out below:

Risk Description	Likelihood	Seriousness of impact	Mitigation Measures
Not taking the opportunity to influence the process for the benefit of Babergh residents	Low	Marginal	Respond to consultation

5. KEY INFORMATION

- 5.1 The new planning policy statement (PPS) is intended to replace current planning policy guidance notes on Planning and the Historic Environment (PPG15) and Archaeology and Planning (PPG16) with a single document. It aims to promote an integrated approach towards heritage protection which moves beyond the current distinction between buildings and archaeology to embrace the entire historic environment. It defines the historic environment in terms of heritage assets to be conserved and where appropriate enhanced in line with a common set of policy principles. As such it represents a significant departure from the present approach with its separate treatment of conservation areas and listed building controls in PPG15 and archaeology in PPG16.
- 5.2 The draft PPS makes it clear that in future the emphasis will be on assessing the significance of the heritage asset (defined as its value to people now and in the future based upon its interest) rather than protection for its own sake. It goes on to highlight the importance of ensuring that adequate information and evidence bases are available to ensure that the historic environment and the importance of heritage assets is fully taken into account in plan-making and decision-making. It also makes clear how the historic environment is to be viewed in the context of current challenges such as housing supply, economic development and climate change. As such the draft PPS seeks to provide succinct policy guidance by separating it from detailed guidance which will be provided in other documents.
- 5.3 The draft PPS sets out thirteen policies for the conservation of historic assets. The first six relate to the plan-making process. Policy HE1 stresses the importance of having an evidence base for plan-making and the need for local authorities to have access to historic environment records. Policy HE2 requires that consideration is given to the historic environment when regional strategies are produced, while Policy HE3 requires local authorities to set out a positive, proactive strategy for the conservation and enhancement of the historic environment when producing their local development frameworks. Policy HE4 sets out an approach to dealing with climate change and Policy HE5 refers to the use of Article 4 directions to control development which might otherwise be allowed. The draft PPS also places a requirement upon local authorities to monitor the impact of their conservation policies in the form of Policy HE6.
- 5.4 In order to support the Development Management process the draft PPS contains a further seven policies. The first of these, Policy HE7, places emphasis on the need for pre-application discussion and the need to understand the significance of heritage assets, including desk-based or field evaluations where sites are of archaeological interest. In this respect the draft PPS considers the engagement of applicants in pre-application discussions can lessen the burdens on subsequent consent processes.
- 5.5 Policy HE8 would place an emphasis on applicants to provide a description of the significance of the heritage asset when submitting applications. This provision is similar to the requirements that currently exist but it could be strengthened without placing undue burdens on prospective applicants.

- 5.6 Policy HE9 sets out the general principles for the determination of applications relating to heritage assets. While the draft PPS provides useful over-arching guidance, it does not provide the same level of clarity as PPG15 and for that reason could be seen as a weakening of the current position. Policy HE10 goes on to set out some additional policy principles to guide the consideration of applications involving heritage assets, including ancient monuments, battlefields, registered parks and gardens and grade I and II* listed buildings. This is supplemented by Policy HE11 which deals with applications that are likely to affect the setting of a heritage asset and Policy HE12 for proposals that might otherwise be contrary to the Development Plan.
- 5.7 Finally Policy HE13 provides guidance on recording information related to heritage assets. It does not, however, provide the same level of depth as the information already contained within PPG16.
- 5.8 To support the policy principles in the draft PPS English Heritage have prepared an initial draft practice guide. This currently exists in the form of a “living draft” and the Department of Communities and Local Government requests that comments on this document are forwarded to English Heritage. The “living draft” contains much of the practical guidance that is currently contained within Annex C to PPG15. Unlike Annex C, however, it lacks the same degree of focus which hitherto has been helpful to the day-to-day practitioner.

6. APPENDICES

- 6.1 The proposed response using the pro-forma questions outlined by the Department of Communities and Local Government.
- 6.2 A copy of the consultation draft planning policy statement. Members have previously been supplied with a link to the Department of Communities and Local Government website, however, the document can be viewed at:

<http://www.communities.gov.uk/publications/planningandbuilding/consulationhistoricps>

7. BACKGROUND PAPERS

None

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The consultation questions appear in italics and the suggested comments appear below.

1. Does the PPS strike the right balance between advocating the conservation of what is important and enabling change?

Together, policies HE9 and HE10 and the accompanying paragraphs would appear to undermine the current protection of heritage assets, especially Grade II listed buildings, giving more emphasis to the occasions where the harm, destruction or demolition of the historic environment is acceptable in favour of public benefit, sustainable development and mitigating climate change. This is in conflict with the comments contained within paragraph HE4.1 which supports the continued use of heritage assets and opening paragraph five, The Governments Objectives. Furthermore the presumption in favour of the retention and protection of the historic environment is not explicitly stated, particularly for Grade II listed buildings, which form the majority of all listed buildings. The wording of paragraphs HE10.1 and 10.2 implies that Grade II listed buildings are less important/significant, and therefore are afforded less protection or able to sustain more harm.

2. By adopting a single spectrum approach to historic assets, does the PPS take proper account of any differences between different types of assets (e.g. Are archaeological assets adequately covered)?

By using the all embracing term heritage assets the distinction between important buildings and archaeological remains has been lost. Differences in the type of asset such as Conservation Areas, Historic Parks and Gardens are seldom mentioned.

3. In doing so does the PPS take appropriate account of the implications of the European Landscape Convention, and of the cultural dimensions of landscapes designated as National Parks and Areas of Outstanding Natural Beauty?

The draft PPS does not adequately taken into account the evolution of settlements and landscapes and the need to understand them when assessing development proposals. This applies to all landscapes and not just those that are afforded statutory protection.

4. Are the policies and principles set out in the PPS the key ones that underpin planning policy on the historic environment, or should others be included?

The principle of presumption in favour of the protection and conservation of the heritage asset needs to far more explicitly stated, assuming that this is still the correct and intended presumption. There is no reference to enforcement action.

5. Do you agree that it is the “significance” of a historic asset that we are trying to conserve?

The term ‘significance’ is not appropriately described and is open to considerable interpretation. While it may enable a more holistic approach to be taken towards the assessment of heritage assets, it could equally mean that detailed considerations are not taken into account. The draft practice guide produced by English Heritage is helpful in this regard but given the importance of the ‘test’ it would be more appropriate for guidance to be contained within the PPS. How are intangibles such as ‘the wider social, economic and environmental benefits’ (paragraph HE9.8 (iii)) to be assessed?

6. Does the PPS comply with the devolutionary principles with regard to what is expected at regional and local levels?

No specific comments to make.

7. Does the PPS strike the right balance between the objectives of conserving what is significant in the historic environment and mitigating the effects of climate change?

The suggested approach to climate change as outlined in paragraph HE9.5 is generalised. The draft practice guide produced by English Heritage provides some helpful guidance, but given the importance of this issue further policy direction is required within the PPS. Overall the PPS represents a backward step and undermines the current level of protection afforded to the historic environment on the grounds of climate change. Paragraph HE9.8 (iii) goes further in alluding to the possibility that material harm is acceptable to heritage assets if mitigating climate change outweighs the significance of the asset. While the general principle of taking all appropriate steps to improve the energy efficiency of listed/historic buildings is to be encouraged, this should not be to the detriment of their significance.

8. Does the PPS make it clear to decision-makers what they should do, and where they have more flexibility? Are there any risks or benefits you would like to highlight for the historic environment sector?

It is acknowledged that the draft PPS enables greater flexibility to be exercised when dealing with heritage assets. This increased flexibility coupled with a lack of guidance on the interpretation of significance could, however, lead to poor decisions and the loss or damage to important assets. While paragraph HE10.1 still provides a presumption in favour of retention and protection of the historic environment, this only refers to those assets of highest significance, and Grade II listed buildings are not mentioned. The general presumption in favour of the preservation of heritage assets should be paramount in the PPS.

9. The draft PPS highlights the importance of ensuring that adequate information and evidence bases are available, so that the historic environment and the significance of heritage assets are fully taken into account in plan-making and decision-taking. At the same time we are concerned to ensure that information requirements are proportionate and do not cause unnecessary delays. Are you content that we have the balance right? If not how would you like to see our policy adjusted? (Policies HE8 and HE9 are particularly relevant to this question.)

This approach is generally regarded as good practice. Applicants are required to carry out research in order to prepare the Heritage Statement and Design and Access Statement which forms part of their application. Some, however, are scant and the requirement to carry out fuller research is welcomed. It would therefore be helpful if the PPS made reference to the advice contained in *Understanding Historic Buildings: Policy and Guidance for Local Planning Authorities (2008) English Heritage* about the level of information required to support applications in line with the provisions of policy HE8.

10. In your opinion is the PPS a document that will remain relevant for at least the next 20 years? Do you see other developments on the horizon that have implications for the policies set out in the PPS?

Given the rapid pace of technological change the PPS will need to be sufficiently robust. The effectiveness of the proposed policies should be subject to periodic review to ensure that they are 'fit for purpose'. A period of 20 years is too long.

11. Do you agree with the conclusions of the consultation stage impact assessment? In particular, have we correctly identified and resourced any additional burdens for local planning authorities? Is the impact on owners/developers correctly identified and proportionate to their responsibilities?

There is likely to be an increased demand from applicants at the pre-application stage for advice about the depth and nature of research required to support individual applications. While pre-application discussions are to be encouraged they place additional demands upon local planning authorities. Forming and maintaining a comprehensive evidence base in accordance with paragraph HE1 will have resource implications at a time of considerable financial restraint. Current records are fragmented and held by different bodies. Who will have specific responsibility for the collation and maintenance of information?

12. Do you think that the policy draft PPS will have a differential impact, either positive or negative, on people, because of their gender, race or disability? If so how in your view should we respond? We particularly welcome the views of organisations and individuals with specific expertise in these areas.

No specific comments but the PPS should be socially inclusive.