



## Planning • Heritage

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### Historic Environment Good Practice Advice in Planning

#### Introduction

English Heritage is seeking responses to its draft “Good Practice Advice in Planning” notes, the closing date for which is 5 September 2014. The advice is intended to replace both the PPS 5 Planning and the Historic Environment: Historic Environment Planning Practice Guide (2010) and various pieces of English Heritage guidance. Overall there is a clear statement that the purpose of these notes is to provide information on good practice in implementing historic environment policy contained in the National Planning Policy Framework (NPPF) and the related guidance given in the National Planning Practice Guidance (PPG).

The guidance is provided in three parts:

1. [The Historic Environment in Local Plans](#)
2. [Decision-Taking in the Historic Environment](#)
3. [The Setting of Heritage Assets](#)

#### Part 1 - The Historic Environment in Local Plans

The note reinforces the NPPF’s requirements for Local Plans to be based on adequate, up-to-date and relevant evidence. In particular this evidence should be used to assess the significance of heritage assets and the contribution they make to the environment. This is welcomed to provide certainty for applicants and consistency of decision making by planning authorities.

It is acknowledged that planning authorities may have to commission research where the evidence base for the historic environment is weak. This provides opportunities for consultancies that are experts in heritage to have an influence on the quality of information that is available to them.

Planning authorities are required to plan for the maintenance and use of heritage assets, through the development of strategies to conserve heritage assets that potentially engages all aspects of planning.

Planning authorities are encouraged to identify within their Local Plans any areas where certain types of development might need to be limited or would be inappropriate due to the impact that they might have upon the historic environment. This is welcomed if it provides greater certainty and consistency of decision making, but it should not prevent individual developments where it is demonstrated that there will be no harm to the significance of heritage assets from that particular proposal.

In future, Neighbourhood Plans should include the consideration of heritage matters.

## Part 2 - Decision-Taking in the Historic Environment

The existing encouragement by Government for applicants to enter into early engagement with the local planning authority, is extended to include discussions on the impact of proposed development on heritage assets. This has been generally accepted as good practice for a number of years, but the advice note reaffirms the importance of pre-application discussions. Whilst a constructive pre-application process can have real benefits in guiding planning and listed building applications, providing more certainty and reducing costs and times scales, it is all too often not a positive process, with little benefit to the subsequent application.

The guidance re-affirms the need for an applicant to undertake an assessment of significance for proposals that may affect a heritage asset. However, it also advises that this assessment should be proportionate to the relative importance of the asset whose fabric or setting is affected, thereby avoiding work that is unnecessary.

The use of expert advice is encouraged to assess the particular significance of the heritage asset which may be affected by the proposal and the impact of the proposal on that significance. Expert advice can help to identify where on a site the heritage significance lies and its sensitivity to change, thereby increasing the possibility of unlocking viable uses for the asset and securing its long-term future.

In considering the loss of a heritage asset it will be necessary to demonstrate that there are no other reasonable means of delivering similar benefits, including the consideration of another site.

The guidance acknowledges that change is inevitable, and it is only harmful when significance is damaged. This is an acceptance that Listed Building Consent is not required for all works to a listed building - only those that could harm significance.

There is considerably more content in this note on archaeology than is contained in the NPPF. There is affirmation of the proportional approach to conservation of assets of archaeological interest, in that the level of investigation and conservation is dependent upon the level of an asset's significance. There is detailed advice in respect to planning conditions on archaeological matters.

Total loss or substantial harm to a designated heritage asset may be justified because of it is both redundant and genuinely impeding useful development of its site. Marketing is required to demonstrate the redundancy of a heritage asset, but no-one is obliged to sell their property.

## Part 3 - The Setting of Heritage Assets

"Setting" is different to "Curtilage", "Character" and "Context" and useful definitions for these are provided.

Confirmation of the definition of setting: "the surroundings in which a heritage asset is experienced" (para.3)

The importance of "views" in helping to define or express the setting of a heritage asset.

Setting is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of the heritage asset. Some general considerations relating to setting and significance (para.8):

**Cumulative change** - what further change in setting will detract or enhance significance

**Change over time** - settings of assets change over time

**Appreciating setting** - significance is not dependent upon public vantage points or the numbers of people visiting it

**Buried assets and setting** - heritage assets that comprise only buried remains may not be readily appreciated by a casual observer, they nonetheless retain a presence in the landscape and have a setting

**Designed settings** - many heritage assets have settings that have been designed to enhance their presence and visual interest

The remainder of the note is largely a repeat of the EH Guidance "Setting of Heritage Assets" (2011). In short, this recommends a staged approach to assessing whether a development proposal will harm the setting and significance of a heritage asset. This approach has already been adopted by CgMs in undertaking Heritage Assessments and successfully upheld at public inquiry.

Our views on omissions from the Good Practice Advice are that it does not provide any clarification as to what constitutes "substantial harm" (Paragraphs 133 and 134 of the NPPF) or the weighing of harm to heritage assets versus heritage and public benefits. It does however provide much more detailed information on archaeological matters and considerations.

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