



Planning • Historic Buildings • Archaeology

Specialist & Independent Advisors to the Property Industry

Draft Planning Policy Statement 15: - a step in the right direction to protect and enhance the historic environment in England?

Background

The Departments of Communities and Local Government (DCLG) and Culture, Media and Sports (DCMS) have jointly published a consultation draft Planning Policy Statement 15 (PPS 15) entitled "Planning for the Historic Environment." It is intended that this PPS will eventually replace existing guidance in PPG15: Planning and the Historic Environment and PPG16: Archaeology and Planning. The draft PPS is also supported by a draft historic practice guidance produced by English Heritage.

The new PPS is significant because when finally issued by DCLG and DCMS, the PPS will be a key "material planning consideration" and therefore carry considerable weight in the determination of planning applications and future planning policy in relation to the historic environment in development plan documents.

The new guidance has been issued because there has been pressure from conservation bodies over several years to reform the ancient monument, listed building and conservation area legislation and a new Heritage Protection Bill was widely expected to be given Parliamentary time earlier this year. However, the Bill hit the buffers when global recession and the credit crunch created more immediate priorities.

With a change in heritage legislation now looking a long way off, the DCMS and DCLG are now pushing forward to achieve reform by means of new non-statutory guidance.

Announcing the new guidance, the Housing & Planning Minister John Healey said:

'Our historic assets are hugely important for local people and for the tourist industry and we need to

conserve and protect them for future generations. We need to be protecting what is significant about a place while making the most of its potential and this means quick and imaginative planning decisions. Our new policy sets out that the historic environment is an asset not an obstacle to development'.

English Heritage's Chief Executive, Simon Thurley indicated that the draft guidance marks..

"a key shift that encourages everyone to first understand what is significant about a particular building and site before implementing change. This should cut the number of poorly thought-through applications and ensure that our heritage can be made fit for a wide range of purposes without damaging what makes it special."

What are the key measures in the draft PPS?

- Listed buildings, conservation areas, archaeology, historic landscapes and other aspects of the historic environment to all be classified as a "heritage asset."
- Greater emphasis on pre-application assessment and discussion of the significance of the heritage asset.
- A focus on understanding what is 'significant' about a 'heritage asset'
- Defines the historic environment in the context of the challenge of climate change
- Supports constructive conservation
- Introduces new policies on setting and design

Our Assessment

For developers:

It is our view that the pre-application process is made more complicated and onerous for developers because :

1. Applicants are expected to now assess the 'significance' of heritage assets before the development is designed and an application submitted.

Whereas the system of pre-determination assessment and field evaluation introduced by PPG16 has largely been accepted by the development industry (it balances up-front expenditure with risk reduction and the avoidance of delays on site), the draft PPS instructs planning authorities to require information about the significance of 'heritage assets' before a planning application is submitted and tells them not to validate applications where these issues have not been fully addressed.

2. Where information in the local authority's historic records is incomplete, the developer will be expected to commission assessment and evaluation work.

Whereas PPG16 indicated that field evaluation is normally a 'rapid and inexpensive operation', the English Heritage 'Planning Practice Guide' which supports the draft PPS suggests that local authority archaeologists can require an extensive range of survey techniques; inevitably this will take longer and cost more.

3. When planning permission is granted, developers will be expected to pay for not just the recording of archaeological or historic buildings impacted by development, but also to provide resources for access, research, publication, education, presentation and archiving of the results.
4. Be aware of an English Heritage proposal to review planning decisions if unexpected archaeological discoveries are made during development.

For Planning and other Property Professionals

5. Be prepared to demonstrate that the historic environment has been taken into account as part of the pre-planning process.
6. Expect a shift in the onus for identifying the 'importance' of a building or site from the government and English Heritage to an expectation that the applicant will establish 'significance'.
7. Expect a confusion of jargon, with Scheduled Monuments, listed buildings and conservation areas running alongside 'heritage assets' and historic landscapes.
8. Expect heritage protection by stealth:

The draft PPS blurs the distinction between designated sites (scheduled ancient monuments, listed buildings and conservation areas) and the many, many thousands of undesignated sites and buildings.

The draft PPS indicates: The absence of designation does not necessarily indicate lower significance. Non-designated assets of

archaeological interest equal in significance to that of scheduled monuments should be treated according to the same principles.

9. Expect more protection of the 'setting' of sites and buildings

Having recently defined setting and context in their Conservation Principles, English Heritage has now published a new definition of setting which is development rather than heritage related

10. Expect more weight given to 'local importance' and local experts. Details are still awaited on how English Heritage intend to revise the existing non-statutory criteria for scheduled ancient monuments or the criteria for listing. But early hints suggest that local lists of significant assets will be encouraged.

Where Next?

Consultation on the draft runs until 30th October.

Perhaps significantly, a summary of the policy options, identifies that deferring the introduction of a new PPS until the reform of the statutory heritage protection system has been secured would reduce the risk that it would require revision in the short/medium term.

In the current economic climate, it seems an unusual luxury to issue new guidance when the necessary statutory framework isn't in place.

Contact:

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