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PPS 15 PLANNING FOR THE HISTORIC ENVIRONMENT

**Incorporating views from
The Royal Town Planning Institute (RTPI) and
The Institute of Historic Buildings Conservation (IHBC)**

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Thank you for inviting us to participate in this consultation which is submitted on behalf of the Institute of Historic Building Conservation & the Royal Town Planning Institute.

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and built and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

The Royal Town Planning Institute (RTPI) is the leading professional body for spatial planners in the United Kingdom. It is a charity with the purpose to develop the art and science of town planning for the benefit of the public as a whole. It has over 22,000 members who serve in government, local government and as advisors in the private sector. Many spatial planners are closely involved in the development of policy for and the management of the historic built environment.

We have structured our response as follows:

1. A general perspective on the PPS.
2. A response to the consultation questions.
3. A detailed examination of the text of the draft PPS with proposed wording changes.

Our response is based on:

The IHBC consultation with its members through its open e-mail based specialist consultation panel, NewsBlog notification (including e-mail alerts to around 1,700 members and posting of notices on our Home Page), branch and local group feedback, as well as feedback from English Heritage hosted meetings and joint meetings (including with RTPI). This consultation process has encouraged the widest input from IHBC members and other interested parties. Successive drafts of our response have been circulated and openly posted on the IHBC web site inviting input. The input from members has been very high reflecting the importance they give to getting the PPS right and their serious concerns with the current draft.

The RTPI input to this joint response has been formed drawing together internal consultations following a period of web-based engagement in which all Members can participate and the outcomes of internal meetings with Members. Further, our Heritage Interest Group (part of the RTPI Networks) offered an open meeting structured around the Consultation at which a wide variety of representatives of organisations involved with planning for the historic environment contributed to the discussion. Also representatives of the RTPI have attended seminars run by English Heritage. We have had regard to all these discussions in contributing to and agreeing this response.

The response does not cover the linked English Heritage guidance which, though examined to inform this response, is necessarily based on the policy contained in the draft PPS. As we have a number of concerns about the PPS, we consider that further comment on the guidance is premature. Both Institutes are willing and able to assist EH with re-examining the guidance along with the next iteration of the PPS. When the guidance is at a stage for comment we will be especially anxious to ensure that the crucial conservation practice advice contained in Annex C of PPG 15 remains available in the developing guidance.

A. General perspective

We generally welcome the principles underpinning a replacement of PPGs 15 and 16 with clearer, more accessible and up-to-date policy, in line with existing statements on Heritage Protection Reform.

However, without significant and substantial changes in the PPS, we consider that the document will not be fit for purpose.

We have a long-standing commitment to and involvement with the process, and are supported by informed stakeholders across the sector. For the reasons cited below we do not consider that the document will support its stated aspirations, and those identified by PPS 1 'to apply the principles of sustainable development to proposals involving the historic environment,'.

We support the stated aims of the PPS to:

- move to a better understanding of 'significance' and its role in the consent processes;
- better integrate historic and built environment practice, including within wider planning processes;
- attempt to enhance Historic Environment information in pre-application discussions.

However, the approach the PPS takes actually undermines these aspirations in that it:

- does not address the White Paper's aim to create a simpler, clearer more accessible system.
- threatens current procedures by overlaying new terminology without supporting legislation

- does not value the necessity for an appropriate level of specialist professional advice within local authorities and undermines the current professional infrastructure for protection by sidelining a major part of the historic environment service description already agreed with English Heritage (English Heritage, IHBC and ALGAO, *Implementing the Heritage Protection Reforms: A Report on Local Authority and English Heritage Staff Resources*, Appendix 1, 2009)
- does not encourage community inclusion and involvement because it
 - reduces assessment of the Historic Environment (HE) to received cultural issues (current list descriptions prioritised over new cultural evaluations)
 - is unclear on the input of 3rd party interests in pre-application discussions,
 - relies on Historic Environment Records as information resources which are not yet adequate to the demands proposed
- does not support sustainable management or development of the historic environment, either as required by PPS1 or by the terms identified by government in the PPS' own introduction.
- values significance without adequately recognising wider Historic Environment values such as environmental, utility and social values. This approach reduces the current capacity of the planning system to manage the historic environment as an inherently sustainable resource bringing economic and environmental benefits in line with PPG 15 (1.4). In a planning framework that is only beginning to respond to the challenge of mitigating climate change, it is not acceptable to value a resource only for its cultural significance when it has an intrinsic capacity to significantly minimise carbon emissions
- does not have regard to the proven economic potential of the historic environment (as opposed to the heritage values defined by English Heritage in its internal *Conservation Principles* document)
- does not provide robust coverage of the resource implications for all involved, from Local Planning Authorities and 3rd Parties to owners and developers, of the proposed changes.

We do recognise a real value in the objectives of brevity and clarity. However we consider that this is at the expense of proper protection for our heritage because the PPS:

- undervalues heritage and the need to protect it, requiring local planning committees to judge the future of the historic environment on the basis of, heritage values as defined by English Heritage (*Conservation Principles*), rather than the fact that, in England alone, it supports a multi-billion pound industry linked to the conservation, repair and maintenance of England's five million pre-1919 buildings
- provides insufficient indication of the policy and procedures to be adopted in assessing:
 - i. the potential of the historic environment in terms of both resource and opportunity
 - ii. what constitutes harm to the public interests within it

- iii. how to weigh the balance between competing public benefits in ways that secure conservation of the historic environment, and its place in sustainable development.

The principal issues that we think need to be addressed in modernising historic environment policy in line with the stated aspirations of the PPS are to:

- Ensure that our Historic Environment is fully recognised for its intrinsic sustainability, inherent values, and the contribution it makes to the wellbeing and future of this country.
- Ensure that the Historic Environment is fully supported and enabled to continue to contribute proactively to the well being of this country.
- Ensure that this document and related guidance is fully fit for purpose. That it does in no way undermine the already fallible system currently in place – and that any replacement document shows a clear, coherent and recognisable benefit to the management, curation, and where necessary 'Protection' of what is a finite and irreplaceable resource for future generations.
- Ensure that, in the absence of new legislation, terminology is used that is more compatible with the primary legislation, tying the principle of 'significance' as interpreted here more closely to the statutory expressions of 'special interest', 'character', and 'amenity'.
- Reinforce heritage as a prime component of sustainability
- Make a stronger connexion with other planning objectives, such as place-making, regeneration and community development.
- Clarify the need for LPAs to recognise the holistic benefits from the sustainable planning based management and conservation of the HE for future generations, including:
 - social, health, community, economic and environmental benefits
 - clarification that heritage is not an obstruction to the mitigation of climate change, but a key tool.
- Provide detailed best practice guidance on the full range of heritage topics.
- Ensure a better cross reference to other PPSs
 - PPS1 which is broader and more pro-active than draft PPS 15 in terms of integration of social, environmental and economic objectives
 - PPS1 Eco Towns supplement with its emphasis (ET15.1) on conserving / enhancing heritage assets
 - PPS3 which advocates maintenance and improvement of local character
 - PPS6 which protects and enhances the architectural and historic heritage of centres
 - PPS9 which advocates a more positive management of scarce and vulnerable resources
 - PPS12 which sets out the broader aims and focus of the new Planning system. Draft PPS 15 has been produced in isolation from that set out in PPS 12.
- Ensure more joined up legislation. Failure to resolve increased separation of Planning and Conservation activities since Planning and Compulsory Purchase Act 2004

In the absence of such radical changes, the draft PPS will be unfit for purpose. It will:

- undervalue the historic environment, reducing its protection by marginalising other considerations beyond cultural 'significance'. This is especially damaging as local planning committees, as well as central government, face pressure to encourage development in the face of recession.
- complicate the system it is trying to clarify and so alienate users.
- add costs and uncertainty, both for users and LPAs (such as costs attached to training and undefined service standards for HERs,).
- fail to capitalise on the historic environment's role as a driver for industry. Heritage works annually contribute £5 billion to the construction industry, providing sustainable and low carbon developments, local jobs and other benefits.

B. Responses to the Questions posed in the Consultation Paper

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

No.

The question highlights the fundamental flaw in the PPS in that it sees heritage as a constraint to development.

The PPS fails to recognise the role that heritage has in facilitating change. In particular, it shows little regard to how historic areas have delivered regeneration and economic development, especially in failing areas. Indeed, the PPS's assertion that economic development involving heritage is mainly about leisure and recreation demonstrates a serious lack of awareness of how towns, cities and rural areas have regenerated in the past few decades.

We are concerned that, in judging values, the PPS relies too much on English Heritage's *Conservation Principles* document, with its narrow focus on heritage values, rather than emphasising the utility value of the built environment, its contribution to social and economic aims and the role historic areas have in supporting sustainable development.

The PPS fails to take the only opportunity in planning policy to acknowledge that the historic environment is a sustainable resource that can be exploited in many fashions:

- mitigating climate change through regeneration, maintenance and repair of existing fabric which retains embodies energy and reduces energy input.
- stimulating low-carbon and localised economic development especially through supporting local communities and small businesses
- enhancing social cohesion through providing opportunities for low-wage, marginalised and hard to reach communities to grow and develop, unhindered by economic limitations generated by the need for capital return typical of new development

Allied to this failure to understand the benefits of the historic environment is the PPS's misunderstanding of what should be conserved: the historic environment as a resource, as the title of this PPS indicates, rather than 'significance' as an intangible concept within the document. Following from this narrow agenda, there is also a serious lack of awareness of how that resource is conserved in the context of the many development, financial, environmental and social pressures it faces. All of these pressures need to be encompassed when seeking the most sustainable solution for the historic built environment (although they may not need consideration in the context of many archaeological remains).

In the wider planning process, the PPS also fails to respect the many values stakeholders attach to our built heritage. Consequently it undermines the place and importance of multi-disciplinary skills required to manage and deliver historic conservation, thus contradicting principles underpinned by international conservation skills standards from ICOMOS and recognised to a greater extent in PPG 15. This problem has its roots in the misconception that the historic environment and its conservation is a barrier to improvement or change, rather than a resource that needs to be managed in the context of that change. This is clearly inappropriate, devaluing conservation and the built heritage, reducing historic environment protection, and undermining existing management infrastructure in local planning authorities.

In summary, the document fails to explain how heritage helps places to adapt to modern needs and contributes to wider planning objectives, and in particular the ways in which managing our heritage must reconcile the needs of economy, community and environment.

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

No.

The PPS fails to recognise the myriad values of and pressures on historic buildings and areas, including utility values, environmental values and economic values. Instead it proposes a 'single spectrum' value, of 'heritage-based' 'significance' as the only standard against which the relative values of the historic environment are judged. It selects this single value, we understand, as the only applicable across the whole historic environment. While clarifying the use of such heritage values has significant benefits, reducing the entire management process to an abstract measure of 'significance' undermines the aspirations of the PPS and the extensive research and consultation that has shaped Heritage Protection Reform.

Historic buildings and areas are part of the infrastructure of modern living accommodating a vast range of commercial, residential and other uses. This requires them to be treated in a fundamentally different way to monuments that cannot be used, or cultural resources that have no direct relevance to sustainable development. Monuments might more easily be given 'museum'-like protection as they have intrinsic educational, cultural and heritage value but may be incapable of productive use. The exclusive use of a 'single spectrum' approach to heritage-based significance across all historic assets – from the flint scatter to

suburbs and cathedrals - fails to register the non-cultural values of Historic Environment assets effectively and significantly reduces the protection available.

The formal emphasis on significance is based on heritage value alone, and so excludes wider social, economic and environmental (sustainability) values that are exclusive to the built environment. This includes how heritage supports enterprise, caters for minority needs, promotes health and well-being, and helps create sustainable places.

The exclusivity of focus, and the marginalisation of other values, also gives rise to our concerns over the lack of regard to place-making and urban design in the context of a clear connection with PPS1. To manage the historic environment as a sustainable resource for the future, it should be closely integrated with wider place-making considerations. This is the only way to allow for the informed, expert and integrated consideration of significance in the context of sustainable development.

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?

No.

The PPS does not address the terms of reference of the ELC, because, by focussing on measuring cultural values alone, it fails to recognise the breadth of values that landscape has in delivering wider sustainable development aims, It also fails to recognize the social, health and economic importance of high quality landscapes and to integrate the management of those other values in its policy approach.

This same criticism may be made in relation to other international conventions and standards referred to in question 10.

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?

No.

We strongly believe that other policies should be included. The PPS draws almost exclusively on PPG 16 as well as English Heritage's Conservation Principles, which, as noted above, has a narrow focus on cultural values operating under the term 'Heritage Values'. It has been an important and valuable exercise to unpick heritage values, but we and other historic environment bodies do not subscribe to the application of heritage values alone either as the means of judging the value of the historic environment, or as an exclusive methodology for determining change as described here. For example BS 7913 'Guide to the principles of the conservation of historic buildings', which is not referred to in the PPS, is a document which specifically articulates the wider range of social, economic and environmental values we highlight in this

response and provides a basis for balancing them. While many respondents will welcome the clarification of heritage values through the recognition of 'significance', few would argue that a resource as dynamic as the historic environment can be valued only for its significance.

To secure sustainable management of the Historic Environment as a resource, as demanded in the introduction to the draft PPS, the emphasis needs to be on wider considerations, in particular the utility values of heritage in delivering social, economic aims and environmental benefits. Appropriate and expert recognition of these benefits must be integrated in the planning process, and this will not happen if the PPS does not even recognise it, never mind give explicit support to it. The PPS also needs to address sustainability value from embodied energy and the design characteristics of older areas which were developed as part of a low-carbon economy and society.

It is particularly important to use the opportunity of this PPS to address the limitations of other PPSs. For example the Climate Change supplement to PPS 1 is almost exclusively concerned with new development or interventions and is not an appropriate tool for guiding the management of historic places. In this context we would require additional and reinforced policy on:

- Appropriate skills sets (professional skills, elected member skills, technical skills), reflecting the holistic benefits and multi-disciplinary needs of the historic environment.
- More substantial application of wider values of heritage, including embodied energy, whole lifecycles, biodiversity, health, supporting communities, supporting choice and diversity, and creating sustainable places
- Providing robust and accessible information, recognising that Historic Environment Records will not be able to cater effectively for the needs of communities, decision makers and interest groups at the time of the PPS's proposed inception.
- Encouragement and resources for informed capacity building and local community engagement.
- Emphasis on place making and urban design. In particular, there needs to be recognition of how historic areas, developed as part of a low-carbon economy continue to contribute to inclusive and sustainable development with their mixed use, proper streets, pedestrian permeability, sustainable urban forms, etc.
- Pro-active improvement and enhancement of the physical character of the historic environment on the part of planning authorities, including investment.
- Economic development, including how heritage acts as a catalyst of investment in failing areas and how refurbishments can accommodate business, social enterprise and creative industries.
- The importance of the public realm, including the importance of spaces in supporting social and economic activities.
- Local designations, including local lists.

These policies are central to fulfilling the Government's stated objectives of applying principles of sustainable development to proposals involving the historic environment and addressing the ambitions laid out in the Heritage White Paper.

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

No.

If significance is simply equated with ‘special interest’ or ‘character’ it would have a wider reference, possibly to issues such as amenity values. But in a narrower interpretation significance is used as a variation of English Heritage’s ‘heritage values’, as described in its *Conservation Principles*, and as such it is only one element of the spectrum of values to be considered in the successful management of the historic environment.

However, if we are to operate in line with the aspirations of government as laid out in the introduction, and in line with practice in environmental assessment, whilst also acknowledging international conventions, we are trying to conserve the ‘significance’ values identified here but we are also recognising a wider role for the asset. This is sometimes referred to as ‘importance’, and is managed as a viable ‘resource’ within the planning system (to ‘foster the use of protected properties in the light of the needs of contemporary life’ as the Granada Convention describes it). This ‘importance’ includes the wide range of other values, particularly utility values that the historic environment possesses, and to which it must respond, including:

- Social value. In particular, older areas with lower rentals can support a range of community, third sector and commercial uses that would not be viable in comprehensively redeveloped centres. This is often due to lower rentals, made possible by the lack of burden of capital borrowing.
- Economic value. It needs to be recognized that the loss of a heritage asset is also an economic loss. The role that heritage has in allowing towns, cities and rural areas to transform and regenerate is a key value.
- Environmental value. Heritage contributes to sustainability in numerous ways, including conserving embodied energy, avoiding landfill, supporting biodiversity, encouraging use of local materials, investing in skilled labour rather than new materials, supporting mixed use, conserving sustainable urban patterns and design features, etc.

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

No.

The PPS should affirm the need to support local, skilled resources including historic environment conservation experts, operating within the mainstream planning system, with strong links to local communities. The benefits and values of which are recognised in the extensive research by EH and others underpinning the values of locally managed and democratic systems¹.

¹ (Granada Convention, Article 10 (1985): ‘Each Party undertakes to adopt integrated conservation policies which include the protection of the architectural heritage as an essential town and country planning objective and ensure that this requirement is taken into account at all stages both in the drawing up of development plans and in the procedures for authorising work’; Atkins, Historic environment local delivery project, 2006; Pye Tait, , ‘Functional and Occupational Map for Local Environmental Management (LEM), 2007 Asset Skills’.)

There also needs to be far greater emphasis on capacity building and community engagement as a means to local empowerment. This should include substantial policy on local designations, including conservation areas and, in line with the Heritage White Paper, local lists. It is not appropriate to rely on Historic Environment Records, with their regional distribution and archaeological focus, to provide this capacity building.

There needs also to be substantial modification to the policy to ensure that communities and third parties are involved at the pre-application stage of major development discussions. There is a risk of the process undermining the open and democratic planning process and becoming simply a mediation between the guardian of significance (undertaken presumably by or on behalf of the LPA) and the promoter of change.

There needs to be policy on how locally-distinctive historic environments help to make local areas and regions more competitive and attractive to inward investment, and not simply a requirement to have regard to 'local distinctiveness'. This requires an understanding of the relationship between quality of place and economic performance.

In addition there must be an understanding that if local communities particularly value their historic buildings and places: these are important to people's quality of life and their satisfaction with the place in which they live, often more important locally than a narrow national measure of 'significance' would suggest.

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?

No.

The document, at a fundamental level, fails to recognise how historic buildings and areas inherently contribute to mitigating climate change. The PPS focuses on energy use in buildings rather than looking in a holistic manner at the role of the historic environment in addressing climate change.

Even where the balance between the carbon impact of retaining a historic building and replacing it weighs in favour of the latter, we would argue that there is still a case for setting aside climate change implications as the main determining factor in decision making in the tiny proportion of properties that have recognised historic or architectural value.

Current planning guidance largely focuses on new design over managing historic places. It does not adequately respond to the potential of the historic environment to address issues such as the low carbon values of traditional materials, the damage caused by the release of embodied energies from demolished historic fabric and structures, the environmental benefits of repair and maintenance over replacement, the intrinsic support for low carbon lifestyle in traditional areas, which support mixed uses and pedestrian and public transport friendly layouts.

The PPS does not recognise the wider environmental benefits of the historic environment represented by our traditional buildings and areas, and their role in supporting other parts of the environment threatened by climate change. There is no recognition of the capacity of traditional design and materials to encourage biodiversity by supporting habitats for valuable natural ecosystems.

The PPS does not register the extent to which competent repair and maintenance of traditional buildings uses renewable sources and supports local and regional industries with reduced carbon footprints. High-skilled jobs working on the maintenance and improvement of our traditional building stock are part of a multi-billion pound construction industry. For this holistic value of the historic built environment to be reduced to consideration by the local planning committee only for its 'evidential value' in line with this PPS and English Heritage's internal guidance *Conservation Principles*, is not only inappropriate, but undermines one of the most important routes to addressing climate change.

Missing elements here, that are not provided adequately in wider planning policy, include:

- Consideration of conserving embodied energy, avoiding landfill and further investment of energy in redevelopment.
- Channelling investment into skilled labour rather than material resources.
- Ways in which older areas, developed incrementally, support mixed use and tenure.
- Ways in which older areas, developed as part of a low carbon economy, have intrinsically sustainable characteristics, including streets with active frontages, good pedestrian permeability and connections to surrounding facilities, high density, party-wall construction, etc.
- Avoiding the use of environmentally destructive materials, such as uPVC.
- Consideration of the primacy of human behaviour in determining carbon emissions².
- Failure in policy to recognise the real carbon emissions attached to 'zero carbon' new build when comparing the benefits of promoting new development against managing existing fabric (such as that in the PPS on Climate Change).
- Ensuring the need for flexibility in the application of building regulations to heritage assets (as previously included in PPG15 3.26).
- Encouragement to maintain a high standard in care and conservation of local authority owned historic structures (PPG15 1.6 & 3.37)
- No policy to guide the standards of those bodies enjoying ecclesiastical exemption

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?

No.

2 (David MacKay, Chief Scientific Advisor of the Department of Energy and Climate Change 'Sustainable energy without the hot air'; <http://www.withouthotair.com/>)

The terminology of the PPS as currently drafted relates poorly to primary legislation (and relevant case law) and to other planning policy statements, such as PPS1. Whilst this may not be a strict legal issue, without related legislation it will create uncertainty, conflict, delay and poorer quality outcomes, not only for decision-makers, but for users and communities. In particular there needs to be substantial clarification of meaning through the list of definitions, and their relation to higher statute and subordinate guidance.

There needs to be far greater clarity on the need for appropriate specialist skills in managing change to heritage and developing options for intervention. Such skills are not just about understanding 'significance', as implied in the PPS, but require a capacity to mediate between the demands of accommodating significance and understanding where wider benefits can be gained through partial loss of significance. Without such skills, poor-quality, uninformed and over-restrictive decisions are likely. The real risk is that the narrow focus on 'significance' will compromise the ability of decision makers to promote the wider social, economic and environmental values of the historic environment.

There also seems to be substantial confusion over the application of the 'polluter pays' principle to change in the historic environment. The PPS makes no distinction between a 'developer' and 'improving owner'. The developer, as in PPG 16, is treated as a 'polluter' of the historic environment and who must 'pay' for the damage they cause, through a duty to create a record of what is being lost. However there is no re-affirmation here of PPG 15's support for the improving owner who is investing in the survival of the historic environment through care, repair, improvement or enhancement, and thereby ensuring that the assets will survive for future generations. Imposing on the improver a hidden taxation equating to a 'polluter pays' principle ignores the benefits that person generates, as the primary guardian of the historic environment. This will alienate the many pro-active advocates of the benefits of caring for the historic environment, as it puts them on the same level as a speculative mass house builder. It will also encourage less enthusiastic owners and historic environment stockholders to avoid proper consent processes in improvements where they are faced with a hidden tax on their actions as 'developers'. There is a conflict here, a lack of clarity in the thinking, which threatens to alienate stakeholders from their key role as stewards of the historic environment. The approach needs complete re-evaluation.

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 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.)

No.

Whilst we welcome some policies in the area, such as HE8.1 as modified, we are concerned that the narrow focus on historic environment records fails to recognise the importance of a much wider range of factors that need to be

considered in determining significance – however that is defined – and taking decisions. The current PPS is significantly overestimating the capacity of current HER-based information systems to support its information-led strategy, and thereby is seriously threatening the future of the historic environment.

PPS 1 demands strategies that 'draw upon and [are] supported by a common, robust, evidence base'. However even English Heritage is working to a timescale for development of historic environment records that envisages the evidence base in place by 2015 at the earliest, while we know of no firm commitment by government for the introduction of such 'robust information systems' even by that date.

The failure of the PPS to recognise the importance of consulting information sources other than the HER for most parts of the historic environment is not acceptable and seriously undermines the application of the PPS to buildings. Other resources such as local archives, museums, libraries, history sources, amenity societies and civic trusts, as well as on-line resources, might well contain significantly more relevant information for assessing significance in an application (see for example http://www.ihbc.org.uk/web_based_resources.htm). This must be recognised within the PPS, and its resource assessments at this time, even if that situation will change over its lifetime.

Furthermore identifying significance is not simply about accumulation of information but involves the skilled interpretation of that information. We are not confident that the specialist input required is likely to be wholly available from regional Historic Environment Records. We are especially concerned that the emphasis on records of remarkably different qualities, forms and robustness, without qualification, deflects attention from the need for decisions to be informed by specialist advice and skilled interpretation of the meaning, value and credibility of such records. The absence of specialist advice leads to poor decisions and often to unnecessary conflict and delay.

Also, there is a risk that channelling resources into producing records will divert capacity from important front-line planning activities, such as, supporting owners, informing decisions, policy and plan making, developing partnerships and pro-active regeneration and enhancement initiatives. In light of its aspirations to sustainability, the PPS should be placing equal or greater emphasis on these factors.

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?

No.

It cannot remain sound for 20 years as it already takes a retrograde step from PPG 15 which affirmed the loss of historic fabric as economic and environmental impacts, thereby creating the opportunity for wider values to be material considerations in the consent process: 'the avoidable loss of fabric through neglect is a waste of economic as well as environmental resources' (PPG 15, 1.4). As previously stated, without such a policy framework, the historic environment cannot play an effective role in securing sustainable development.

It is essential that the PPS redresses the imbalance in wider policy by supporting the widest benefits the conservation and management of the historic environment can bring to the mitigation of climate change. The sustainable management of the historic environment in the 21st century requires a more robust and rigorous response to its potential than that provided by current planning policy. For example, the supplementary PPS on Climate Change is almost entirely focused on new development and makes no substantial reference to embodied energies (the replacement of which generate some of the highest carbon emissions known), or whole life cycle costing.

The current draft, with its focus largely on cultural significance, fails to acknowledge properly the environmental values of the historic environment – as embodied energy, as a low carbon development resource and as a resource for minimal life cycle costings. These circumstances render the document already out of date.

In addition, the document marks a retrograde step from earlier policy and wider European standards. Its narrow and exclusive focus on the management of 'significance' is contrary not only to the spirit and letter of the ELC (Question 3), but also to numerous other conventions and standards, including the *Granada Convention* (1985) the *ICOMOS Guidelines on Education and Training in the Conservation of Monuments, Ensembles and Sites* (1993). Through its narrowing of management framework based only on consideration of preserving significance, the PPS marginalizes recognition by planning authorities of the skills sets of the many conservation specialists working across the built environment.

Without support and understanding inside the planning authority for the need for specialist skills in the conservation and the management of the built environment, many private sector professional quality assurance initiatives, including accreditation and related registers and lists, will be devalued. This approach also conflicts with the recently agreed 'Memorandum of Understanding' co-signed by ConstructionSkills, the National Heritage Training group, English Heritage and the All Party Parliamentary Group on Arts and Heritage, in which the parties agree to

'Promote the highest possible standards of design, management, supervision and workmanship in all built heritage conservation, repair and maintenance contracts.'

and

'Promote the need to appoint knowledgeable, qualified and experienced sector professionals and contractors/craftspeople for all aspects of pre-1919 building projects.'

(http://www.ihbc.org.uk/news/docs/MoU_construct_skills010409.pdf, 31 March 2009)

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?

No.

We are concerned that the resource implications have not taken full account of:

- The additional work associated with the development of historic environment records to address the service demands inherent from the PPS. We note in particular that there is no agreed service standard for the expansion of HERs to cover all aspects of the historic environment so any projected costs are inherently compromised
- Training needs associated with the terminology of the PPS. The suggestion that training costs would be a one-off cost of £50,000 for the first year (p.34) is especially unrealistic, and could not even begin to address the issues raised by the new terminology, principles and procedures which the PPS intends to introduce).
- Delay and legal costs created by the non-conforming terminology in the PPS. This represents a particularly fraught area for all PPS users and will especially lead to confusion amongst owners who will be unclear about how to determine the impact on the 'artistic' special interest of their buildings, considering its significance in terms of aesthetic and other heritage values

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.

Yes.

The PPS does not deal with equality issues. Of particular significance here is the role that historic places have in supporting choice and diversity, as outlined above. This issue is not addressed.

The narrow emphasis on 'significance' rather than social, economic and environmental values excludes the wider interests of local communities, who relate to the utility value of heritage, as set out above.

The resources allocated to historic environment records and their regional structures will not allow them to take account of the needs or aspirations of local people, particularly in the time-scale appropriate to planning applications.

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
ANNEX A: Planning for the Historic Environment		
This column is used to reproduce the text of PPS15 with its footnotes.	This column shows our proposed amended wording	This column is used to set out IHBC concerns.
DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
	INTRODUCTION	
<p>1. Planning policy statements (PPS) set out the Government’s national policies on different aspects of planning in England. This PPS sets out planning policies on the conservation and enhancement of the historic environment through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy³. This PPS replaces <i>Planning Policy Guidance Note 15: Planning and the</i></p>	<p>1. Planning policy statements (PPS) set out the Government’s national policies on different aspects of planning in England. This PPS sets out planning policies on the conservation and enhancement of the historic environment through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy⁶. This PPS replaces <i>Planning Policy Guidance Note 15: Planning and the</i></p>	<p>The reference to Guidance is too limited. LPAs and developers need rapid access to appropriate detailed guidance. A full list of this should be given in an Annex or a reference might be made to a full list in the EH Guidance document. Reference might specifically be made to BS7913.</p> <p>Hence the suggested footnote.</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
<p><i>Historic Environment</i> published in September 1994 and <i>Planning Policy Guidance Note 16: Archaeology and Planning</i> published in November 1990. Guidance to help practitioners implement this policy is provided in the <i>Historic Environment</i> practice guidance^{4,5}.</p>	<p><i>Historic Environment</i> published in September 1994 and <i>Planning Policy Guidance Note 16: Archaeology and Planning</i> published in November 1990. Guidance to help practitioners implement this policy is provided in the <i>Historic Environment</i> practice guidance^{7,8}.</p>	
<p>2. The policies set out in this PPS should be taken into account by regional planning bodies in the preparation of revisions to regional spatial strategies⁹, by the Mayor of London in relation to the spatial development strategy for London, and by local planning authorities in the preparation of local development documents. The policies in the final PPS may also be material, depending on the particular circumstances of the case, to decisions on individual planning applications¹⁰.</p>	<p>2. The policies set out in this PPS should be taken into account by regional planning bodies in the preparation of revisions to regional spatial strategies¹¹, by the Mayor of London in relation to the spatial development strategy for London, and by local planning authorities in the preparation of local development documents. The policies in the final PPS may also be material, depending on the particular circumstances of the case, to decisions on individual planning applications¹².</p>	<p>This statement is suitable to a point but does presuppose:</p> <ul style="list-style-type: none"> • LPAs all have up-to-date LDFs. • Enforcement issues are dealt with adequately in an update PPS18. <p>In reality:</p> <ul style="list-style-type: none"> • it will be many years before all LDFs are fully adopted. • most LPAs have not been allowed to save heritage policy. <p>This means that the PPS must provide robust heritage policy (and reference to the full range of best practice in its implementation).</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
		<p>Specific aspects needing guidance are:</p> <ul style="list-style-type: none"> • ecclesiastical exemption • enforcement (including repairs and compulsory purchase) • Annex C (a ready reckoner for detailed approach to listed building alterations and additions) • listing criteria • historic characterisation • article 4 directions • Conservation area appraisal and management • enabling development • highways
<p>3. The policies and principles set out in this statement also apply to the consideration of the historic environment in relation to the other heritage-related consent regimes for which planning authorities are responsible.</p>	<p>3. The policies and principles set out in this statement also apply to the consideration of the historic environment in relation to the other consent regimes for which planning authorities are responsible.</p>	<p>We understand that certain aspects of the existing PPGs have not been incorporated into the PPS because they are seen to lie outside planning related guidance. However these areas have not been specifically identified in the draft document. It is therefore rather difficult for us to feel reassured that these aspects will be covered elsewhere. It would be helpful to produce a list of those items which are to be or already are incorporated elsewhere and where</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
		<p>they are proposed to be dealt with. This would help give comfort that no lack of protection is proposed. Many of these exist and merely need to be adequately signposted.</p>
<p>4. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. Some heritage assets have a level of interest that justifies official designation (see Annex 1) and particular procedures apply to development decisions that involve them. This statement also covers heritage assets that are not currently designated or are not capable of designation under current heritage protection legislation, but which have a level of interest which should be conserved and, where appropriate, enhanced.</p>	<p>4. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. Some heritage assets have a level of interest that justifies official designation (see Annex 1) and particular procedures apply to development and development decisions that involve them. This statement also covers heritage assets that are not currently designated or are not capable of designation under current heritage protection legislation, but which have a level of interest which should be conserved and, where appropriate, enhanced.</p>	<p>PPS15 has a serious shortcoming of terminology which was introduced to complement the beached, shelved or abandoned Heritage Protection Bill.</p> <p>The problem is that decisions on planning and related applications must be taken having regard to the “desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses”, in the case of conservation areas having “regard to the desirability of preserving or enhancing the character or appearance of that area”, and in the case of scheduled monuments having “regard to the desirability of preserving the scheduled monument or its setting”.</p> <p>It is very unclear how the terminology of the PPS (specifically “heritage asset” and “significance”) can be brought into line with these duties. If “heritage asset” is defined as having “historic, archaeological, architectural or artistic interest” how can the evaluation of the</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
		<p>significance of the asset be said to equate to “having regard to the desirability of preserving or enhancing features of special architectural or historic interest” only?</p> <p>Clearer definitions are imperative and detailed consideration by planning lawyers is desirable. Conflict between the PPS and the Act must be resolved for the time-being in favour of the Act.</p>
THE GOVERNMENT’S OBJECTIVES	THE GOVERNMENT’S OBJECTIVES	
<p>5. The Government’s broad aim is that the historic environment, and heritage assets in particular, should be conserved, enhanced and enjoyed for the quality of life they bring to this and future generations. To help achieve this vision, the Government’s objectives for planning for the historic environment are:</p>	<p>5. The Government’s aim is that the historic environment, and heritage assets in particular, should be conserved, enhanced and enjoyed as an essential resource in sustainable development and for the quality of life it brings to this and future generations. To help achieve this vision, the Government’s objectives for planning for the historic environment are:</p>	<p>A clear distinction has been made between active policy and objectives. Both are equally important.</p> <p>Here is the first reference to conservation (“conserved”), and by reference to the definition of “conservation” in Annex 1 to preservation.</p> <p>The words “aim” and “vision” are both used here under the heading of “objective”. This implies that they are roughly synonymous.</p> <p>We are concerned that government is fundamentally drawing away from</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
		<p>recognising that our HE is of value for its own sake. That it is finite and non renewable. The over arching statement akin to para 1.1 in PPSG15 needs to be clearly expressed. If it is not then the value placed on the HE will continually be relegated behind development, economic and pseudo -environmental needs.</p>
<ul style="list-style-type: none"> • to apply the principles of sustainable development to proposals involving the historic environment, by ensuring that policies and decisions concerning the development and use of land take account of the positive benefits of conserving and, where appropriate, enhancing heritage assets (such as encouraging sustainable tourism to support economic growth or re-using existing heritage assets for example as part of regeneration) 	<ul style="list-style-type: none"> • to treat heritage protection as a fundamental component of sustainability and apply the principles of sustainable development to proposals involving the historic environment, by ensuring that policies and decisions concerning the development and use of land take account of the positive benefits of conserving and, where appropriate, enhancing heritage assets as a resource in sustainable development including: <ul style="list-style-type: none"> – creating sustainable and healthy places – supporting communities, choice, diversity and the development of local skills – Managing change in respect of embodied energy and promoting whole-life energy approaches. 	<p>This is the first reference to heritage as a component of sustainable development.</p> <p>Our amendment acknowledges the historic environment as a sustainable resource in its own right.</p> <p>The examples in the original only serve to skew the breadth of the concept. They should be omitted.</p> <p>The scope should be widened to introduce examples of the contribution heritage can make to sustainable communities.</p> <p>A clear statement that our HE, as an existing resource, already contributes to our sustainable agenda needs to be established. We also need to clarify that there are elements of our HE (i.e. listed buildings etc) that can be severely undermined by inappropriate changes</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
		<p>that might be employed under the guise of being sustainable – this needs to be recognised in the PPS and spelled out in the guidance.</p> <p>It is also worth noting that although many historic assets can be adapted to be more environmentally efficient, that some are very sensitive to inappropriate change. We also know that many of the standard solutions that might be applied result in the need for greater energy requirements and less sustainable approaches to long-term viability, again something that needs to be recognised in the statement.</p>
<ul style="list-style-type: none"> • to conserve and, where appropriate, enhance England’s heritage assets in a manner appropriate to their significance by ensuring that: 	<ul style="list-style-type: none"> • and to conserve and, where appropriate, enhance England’s heritage assets in a manner appropriate to their significance and potential by ensuring that: 	<p>We support the bullet point but have suggested a minor addition to link valuing (significance) with care (management as a sustainable resource)</p>
<ul style="list-style-type: none"> – decisions are based on an understanding of the nature, extent and level of that significance 	<ul style="list-style-type: none"> – decisions are based on a presumption in favour of retention and an understanding of the nature, extent and level of that significance from when wider values should be considered such as the 	<p>Managing significance is not in itself sustainable management but is only a starting point for identifying the need to manage. This should be in accordance with international standards of conservation (ICOMOS; Granada Convention; ELC etc).</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
	environment and design	
<ul style="list-style-type: none"> - wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation 	<ul style="list-style-type: none"> - heritage assets are put to an appropriate and viable use that is consistent with their conservation 	Already qualified above
<ul style="list-style-type: none"> - that the positive contribution of such assets to local character and sense of place is recognised and valued and 	<ul style="list-style-type: none"> - that the positive contribution of such assets to local character and sense of place is recognised and valued and 	
<ul style="list-style-type: none"> - that treatment of the historic environment is integrated into general planning policies, promoting place-making. 	<ul style="list-style-type: none"> - that treatment of the historic environment is integrated into general planning policies, promoting place-making and sustainable development. 	
<ul style="list-style-type: none"> • to contribute to our knowledge and understanding of our past by ensuring that opportunities to capture evidence from the historic environment and make this publicly available are taken, particularly if a heritage asset is to be lost. 	<ul style="list-style-type: none"> • to contribute to our knowledge and understanding of our past by ensuring that opportunities to record evidence from the historic environment and make this publicly available are taken, particularly if a heritage asset is to be lost. 	Reference to the preservation of heritage resources is needed.
	<p>5a. The Government believes that the historic environment produces a wide range of benefits to sustainable development beyond merely cultural significance. These include;</p> <ul style="list-style-type: none"> • Social value. Including community and other uses that would not be 	The PPS needs a general statement of the wider benefits of heritage giving the indication of this range omitted from paragraph 5. The proposed amendments provide essential modernisation of PPG 15.

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
	<p>viable in comprehensively redeveloped centres.</p> <ul style="list-style-type: none"> • Economic value. The loss of a heritage asset is also an economic loss. The role of heritage is a key value in allowing towns, cities and rural areas to transform and regenerate. • Environmental value. Heritage is crucial to sustainability by conserving embodied energy, avoiding landfill, encouraging use of low carbon local and natural materials and skilled labour, conserving sustainable urban patterns, land use and design features. 	
PLAN MAKING POLICIES	PLAN MAKING POLICIES	
Policy HE1. Evidence base for plan-making	Policy HE1. Evidence base for plan-making	
<p>HE1.1 Regional and local planning authorities should ensure that they have evidence about the historic environment, and heritage assets in particular, in their area and that this is publicly documented. The evidence should be proportionate and sufficient to inform adequately the relevant planning process Local planning authorities should ensure that they either maintain or have access</p>	<p>HE1.1 Informed decision-making is essential to good place-making and the retention of quality in our environment. Regional and local planning authorities should ensure that they have robust evidence about the historic environment, and heritage assets in particular, in their area and that this is publicly documented. The evidence should be proportionate and sufficient to inform</p>	<p>This is a commitment to the development of an appropriate, robust information service provided by HERs or equivalent, as was suggested by the White Paper. It also informs the adequacy (or appropriateness) of the information base for plan-making and should be clear that the information available to inform decisions is not limited to the content of HERs, in</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
<p>to a historic environment record.</p>	<p>adequately the relevant planning process. Local planning authorities should ensure that they either maintain or have access to a historic environment record or equivalent</p>	<p>particular in advance of their operation to an agreed service standard appropriate to the PPS.</p> <p>There are also issues here for:</p> <ul style="list-style-type: none"> • obtaining, storage and use of material under policies HE7, HE8 and HE13. • the reality of many HERs being partial, out-of-date and less than readily accessible in electronic format. • The potentially great resource implications if HERs are to be brought up to standard in other than long timescales. • clarification is needed on how information is to be locally accessible and locally managed (such as management of local lists) • clarification on the major investment required to ensure usability and compatibility of HER systems. The Planning management systems developed for ODPM and CLG are not compatible and do not communicate with HER systems developed for DCMS and EH. <p>“The evidence should be proportionate and sufficient to inform adequately the relevant planning process. There needs</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
		<p>to be much more clarity about what is actually required</p> <p>“Local planning authorities should ensure that they either maintain or have access to a historic environment record.” This sentence is very vague and does not explain what information should be proportionate to.</p>
<p>HE1.2 This evidence, in particular that contained in relevant historic environment records, should be used to assess the extent, significance and condition of known heritage assets and the contribution that they may make to future development in the area. It should also be used to help predict the likelihood that new heritage assets, particularly sites of historic and archaeological interest, will be discovered, including through the development process.</p>	<p>HE1.2 This evidence, including that contained in the relevant historic environment record, should be used to assess the extent, significance and condition of known heritage assets and their contribution to places now and in future development. It should also be used to help predict the likelihood of previously unrecognised heritage assets being discovered through the development process.</p>	<p>Identifying significance is not simply about accumulation of information but involves the skilled interpretation of that information.</p> <p>With our sector partners we know the specialist evidence required by this clause is not wholly available from Historic Environment Records</p> <p>This could also make a better case for place-making.</p>
<p>HE1.3 Where planning bodies are addressing the conservation of the historic environment they need to consider both known heritage assets and areas where there is a potential for such assets to be discovered.</p>	<p>HE1.3 Planning bodies need to consider both known heritage assets and where there is a potential for such assets. Potential areas of heritage assets should remain undeveloped until evaluated</p>	<p>This is a reference to the concept of heritage assets as a resource. But it does not say that potential heritage assets (specifically archaeology) should be preserved until they have been evaluated.</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
<p>Policy HE2: Regional planning approach</p>	<p>Policy HE2: Regional planning approach</p>	
<p>HE2.1 The character and significance of the historic environment in a region should inform the regional spatial strategy (RSS)¹³ with particular attention paid to the landscapes and groupings or types of heritage assets that give distinctive identity to a region or areas within it.</p>	<p>HE2.1 The character and significance of the historic environment in a region should inform the regional spatial strategy (RSS)¹⁴ with particular attention paid to the landscapes, areas and groupings or types of heritage assets.</p>	<p>Characterisation provides a useful approach for assimilating information, but values extend far beyond its application to identity etc.</p> <p>This should also be used at local level under Policy HE3.</p>
<p>HE2.2 The RSS should ensure a consistent approach across the region to the conservation, enhancement and enjoyment of the historic environment</p>	<p>HE2.2 The RSS should ensure a consistent approach across the region to the conservation, enhancement and enjoyment of the historic environment while accommodating different asset types and characteristics.</p>	<p>The RSS needs to recognise sub-regional differences including both rural and urban morphologies.</p>
<p>HE2.3 In determining its strategy, the regional planning body should take full account of the positive contribution that the historic environment can have for regeneration, encouraging tourism, and enhancing the quality of the environment and the region's sense of place, alongside other objectives such as</p>	<p>HE2.3 In determining its strategy, the regional planning body should take full account of the positive contribution that the conservation of the historic environment can have as a resource promoting regeneration, minimising waste, encouraging tourism, enhancing the quality of the environment and the</p>	<p>We support this Policy in the main but there is concern about the last sentence which could be detrimental to heritage assets in supposedly unsustainable locations and in particular rural areas.</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
<p>economic growth and housing supply. Their approach should be consistent with securing progress against the UK's carbon emissions targets.</p>	<p>region's sense of place, alongside other planning objectives</p>	
<p>Policy HE3: Local planning approach</p>	<p>Policy HE3: Local planning approach</p>	
<p>HE3.1 Having assessed the evidence, local planning authorities should, where appropriate, set out a positive, proactive, strategy for the conservation, enhancement, and enjoyment of the historic environment in their area. They should particularly focus on the local distinctiveness of the historic environment and how this can be used to promote a sense of place. They should include consideration of how best to conserve individual, groups or types of heritage assets that are most at risk of loss through neglect, decay or other pressures (See also policy HE6.1).</p>	<p>HE3.1 Having assessed the evidence, local planning authorities should set out a positive, proactive, strategy for the conservation, regeneration, enhancement, management and enjoyment of the historic environment as a resource for sustainable development in their area. They should particularly focus on the local distinctiveness and other values of the historic environment and the potential for the historic environment to contribute sustainably to wider LPA objectives including social, environmental and economic benefits.— Local planning authorities should use relevant expert advice to inform decision-making. This advice must be capable of appraising both the impact on historic environment and the options available for mitigating the impact in light of the proposals.</p>	<p>This Policy supports the strategic approach to conservation but should be expanded to ensure that conservation strategy relates and integrates with the Local Development Framework. It also needs to affirm the importance of feeding expert advice into the strategic stage</p> <p>Local distinctiveness is just one quality of many that the HE might be valued for.</p> <p>Identifying the skills set required highlights the importance of such skills at both strategic levels and operational levels, identified in HE 9.2 (original and revised)</p>
<p>HE3.2 Within the plan-making process, the historic environment should be seen as a</p>	<p>HE3.2 Within the plan-making process, the historic environment should</p>	<p>This policy should emphasise the wider sustainability and regeneration issues.</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
<p>stimulus to inspire new buildings of imaginative and high quality design that respect and harmonise with their setting and help to enhance the appearance and character of an area.</p>	<p>be seen as</p> <ul style="list-style-type: none"> • a resource for sustainable development, • a positive contributor to regeneration • a stimulus to creating places and buildings of imaginative and high quality design that respect, harmonise and enhance the appearance and character of an area. 	
	<p>HE3.3 Development plans should reflect the local planning authority's programme of investment in historic places, particularly the public realm, whether through regeneration (including that arising through the Community Infrastructure Levy), enhancement schemes or tackling heritage assets at risk.</p>	<p>There is a need for co-ordination of plan making and enhancement and regeneration proposals for historic areas especially where relating to the public realm.</p> <p>Proposals for CIL-based investment in historic areas should reflect the higher-than-average costs which might pertain.</p>
<p>Policy HE4: Heritage assets and sustainable development</p>	<p>Policy HE4: Heritage assets and sustainable development</p>	
<p>HE4.1 The continued use of heritage assets can contribute to sustainable development. Keeping assets in use reduces the consumption of building materials and energy and reduces</p>	<p>HE4.1 The continued use of heritage assets contributes to sustainable development in that it:</p> <ul style="list-style-type: none"> • reduces the consumption of building materials and energy and reduces 	<p>This is the headline statement about the contribution of heritage to sustainability.</p> <p>The use of "can" must be strengthened. Omitting it would do this but more detail is also indicated.</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
waste.	<p>waste.</p> <ul style="list-style-type: none"> • provides for skilled, low carbon, local jobs • underpins health benefits associated with quality places, pedestrian and other mixed use patterns characteristic of historic areas, • provides a platform for quality new development in the context of heritage-led regeneration 	
<p>HE4.2 Local planning authorities should contribute to mitigating, or adapting to, the effects of climate change when devising policies and making decisions relating to heritage assets by seeking to reuse and, where appropriate, modify heritage assets so as to reduce CO₂ emissions and secure sustainable development. While there may be occasions when climate change objectives conflict with conservation of heritage assets there will normally be opportunities for enhanced energy efficiency, improved resilience to weather, greater use of renewable energy, or sustainable drainage and use of water, that will make a contribution without such conflict arising.</p>	<p>HE4.2 Local planning authorities should contribute to mitigating, or adapting to, the effects of climate change when devising policies and making decisions relating to heritage assets by seeking to reuse and, where appropriate, modify heritage assets so as to minimise the release of embodied energies and landfill and thereby reduce CO₂ emissions and secure sustainable development. Informed and expert consideration should be given to the widest sustainable benefits inherent in the historic environment.</p> <p>Planning authorities should consider expert advice able to identify opportunities for enhanced energy efficiency, improved resilience to weather, greater use of renewable energy, or sustainable drainage and use</p>	<p>The important issues here are</p> <ul style="list-style-type: none"> • a contribution to sustainability • preservation of significance. <p>Hence the proposed amendments.</p> <p>It is appropriate to consider in this Policy whether designated assets will require a different level of consideration whilst still trying to meet all the appropriate aims.</p> <p>The potential for conflict has been recognised, and repetition is unnecessary.</p>

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	of water, that will make a contribution without the significance of the heritage asset being diminished.	
Policy HE5: Permitted development and article 4 directions	Policy HE5: Permitted development and article 4 directions	
<p>HE5.1 Local planning authorities should consider whether allowing the exercise of permitted development rights would undermine the aims for the historic environment within the development plan or the general aims of conservation and enhancement set out in this planning policy statement. If so, they should consider the use of an article 4 direction for a single heritage asset, class of heritage assets or an area to limit the extent of such development.</p>	<p>HE5.1 Local planning authorities should consider the use of article 4 directions to control permitted development rights where the exercise of these rights undermines the conservation of the historic environment through erosive, harmful change or where there is increasing pressure for change that is detrimental to the character and significance. Consideration should be given to providing the most simple, clear and efficient operation of Directions.</p>	<p>Article 4 directions are a resource-hungry way of applying development restriction that could be more efficiently be exercised at national level. They are complex and confusing to the public. Successive rounds of “deregulation” have tended to diminish the protection of the character of historic areas.</p> <p>This could be seen to imply that it is acceptable to have a single article 4 direction applying generally across all Conservation Areas in an LPA's area. Is this intended?</p> <p>Currently the demolition of commercial and other Locally Listed buildings outside of conservation areas is allowed without the need for planning permission. This is despite such buildings evidently being recognised as being important by local communities and valued for their contribution to local distinctiveness. The</p>

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
		<p>Heritage White Paper (2007) proposed to class the demolition of such buildings as “development” through amendment of the 1995 Demolition Direction and then to become permitted development allowing local authorities to apply Article 4 directions to bring the demolition of a Locally Listed Building under planning control. If this proposal were still to take place this Policy would then allow for the use of Article 4 Directions in relation to all Heritage Assets, including Locally Listed Buildings.</p>
<p>Policy HE6: Monitoring indicators</p>	<p>Policy HE6: Monitoring indicators</p>	
<p>HE6.1 Local planning authorities should consider how they can best proactively monitor the impact of their planning policies and decisions on the historic environment. They should pay particular attention to the degree to which groups of heritage assets and individual heritage assets are at risk of loss or decay, how they expect this will change over time, and how they propose to respond.</p>	<p>HE6.1 Local planning authorities should proactively monitor the impact of their planning policies and decisions on the historic environment annually. Annual reports should monitor statutory duties, buildings and areas at risk, the use of compulsory purchase and repairs powers and how they expect this will change over time, and how they propose to respond.</p>	<p>This policy needs to refer to the wider panoply of possible interventions. It is not clear that the costs associated with this Policy are covered in the impact statement at Annex B, although little additional cost is caused by this specific Policy.</p>
<p>DEVELOPMENT MANAGEMENT PROCESS</p>	<p>DEVELOPMENT MANAGEMENT PROCESS</p>	

DRAFT PPS TEXT	DRAFT PPS TEXT WITH PROPOSED AMENDMENTS	COMMENTARY
<p>Policy HE7: Pre-application discussions and assessment</p>	<p>Policy HE7: Pre-application discussions and assessment</p>	
<p>HE7.1 PPS1 says that local planning authorities and applicants should consider the benefits of early engagement in pre-application discussions. Early engagement is particularly beneficial for applications with the potential to impact on heritage assets or their setting: understanding the significance of affected heritage assets is key to successful design (design that uses the advantages of the asset's interest, whilst conserving its significance). The more the applicant and the local planning authority explore and understand that significance before designs are drawn up, the greater the chances of a successful application.</p>	<p>HE7.1 PPS 1 recognises that early pre application discussion is particularly beneficial for applications with the potential to impact on heritage assets or their setting. Balancing the significance of heritage assets and the pressures affecting them is the key to successful design intervention. The more the applicant and the local planning authority explore and understand that significance within the design process, and when designs are being drawn up, the greater the chances of a successful application. Pre application discussion with those working within other legislative regimes which may impact on the final proposal (Building Regulations, Highways etc) should also take place at this stage</p>	<p>This is in line with the advice on pre-application advice generally but could be developed to cover the resolution of inter legislative conflicts (Building Regulations, Highways etc) at an early stage.</p>
<p>HE7.2 Where a development site includes heritage assets with an archaeological interest, local planning authorities should require developers to carry out appropriate desk-based or field evaluations as part of any application for</p>	<p>HE7.2 Where a development site includes heritage assets local planning authorities should require appropriate desk-based or field evaluations as part of any application for consent and so inform the process at HE8.1. These</p>	<p>This Policy relates to current policy and current practice for archaeology but it is unclear why it is specific to the archaeological interest of any asset. The current need to justify proposals for Listed Building Consent can be followed through in the same manner.</p>

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<p>consent. They should refer to the results of these evaluations when determining the design of the proposed development. A copy of the outcomes of such evaluations should be deposited in the relevant historic environment record</p>	<p>evaluations should expertly inform the design of the proposed development, with proposals assessed accordingly. A copy of the outcomes of such evaluations should be deposited in the relevant historic environment record once the development is completed or abandoned.</p>	
<p>HE7.3 A heritage asset can be better conserved and the burden of the consent process lessened or even removed if through the use of pre-application discussions an owner and the local planning authority can agree the nature and extent of the significance of the asset. There is no obligation on either party to do so but the benefits should be considered by both parties.</p>	<p>HE7.3 The consent process can be eased and better conservation outcomes secured through the use of pre-application discussions if all parties can agree the nature and extent of the significance of the asset and the opportunities available to maximise beneficial impacts. There is no obligation on any party to do so but the benefits should be considered by all parties.</p>	<p>It is important that pre application discussions do not prejudice the involvement of third parties and communities in the process presenting them with a fait accompli by the time the applications is submitted.</p>
<p>Policy HE8: Information requirements for validation of applications for consent affecting heritage assets</p>	<p>Policy HE8: Information requirements for validation of applications for consent affecting heritage assets</p>	
<p>HE8.1 Local planning authorities should require the applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. This should set out the</p>	<p>HE8.1 Local planning authorities should require the applicant to provide a description of the significance of the heritage assets affected, the contribution of their setting to that significance and a justification for the proposal as the best</p>	<p>There is no mention of Design and Access Statements which are the proper vehicle for assessing response to context as set out in the Department for Communities and Local Government Circular 01/2006.</p>

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<p>information that has been considered and the expertise that has been consulted. As a minimum the relevant historic environment record should have been consulted and the assets themselves should have been assessed.</p>	<p>outcome. This is best done in the Design and Access Statement, which should set out the information that has been considered and the expertise that has been consulted in determining significance and alternative proposals. As a minimum the relevant historic environment record or appropriate local history resource should have been consulted and the assets themselves should have been assessed using appropriate expertise.</p>	<p>Other local history sources may be important, especially where the HERs has insufficient information.</p> <p>The simple consultation of the HER is not in itself a way of assessing significance but part of the build up of knowledge. A Policy which gives a minimum level will often be taken as such and will reduce the level of assessment which is carried out. This will set back the understanding of Listed Buildings which have previously been subject to detailed justification statements based on a much more detailed level of understanding.</p>
<p>HE8.2 Local planning authorities should consider the evidence provided by that description alongside the outcome of any consultation with the local community and expert advice from professional experts and/or statutory consultees as required. (This should include the results of any desk-based or field evaluations undertaken by the developer as set out in HE7.2 above.)</p>	<p>HE8.2 Local planning authorities should consider the evidence provided by that description alongside the outcome of any consultation with the local community and expert advice from professional experts and/or statutory consultees as required, whilst also evaluating alternative options for mitigating impacts on significance. (This should include the results of any desk-based or field evaluations undertaken by the developer as set out in HE7.2 above.)</p>	<p>Design and Access Statements should also report on the outcome of any consultation undertaken by the developer.</p> <p>The LPA should consider options in a proactive and constructive fashion rather than simply reacting to proposals on the basis of significance identified to support the proposal.</p>
<p>HE8.3 Local planning authorities should not validate applications for</p>	<p>HE8.3 Local planning authorities should allocate resources to ensure that</p>	<p>This implies that the normal process of validation, by clerical staff, is inadequate</p>

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<p>consent where the extent of the impact of the proposed development on the significance of any heritage assets affected cannot be fully understood from the application and supporting documents.</p>	<p>they do not validate applications for consent where the extent of the impact of the proposed development on the significance of any heritage assets or its setting affected cannot be fully understood from the application and supporting documents.</p>	<p>in itself, or adequate to the quality assurance proposed. This Policy needs to be more specific about how this is to be achieved.</p>
<p>Policy HE9: Policy principles guiding the determination of applications for development relating to all heritage assets</p>	<p>Policy HE9: Policy principles guiding the determination of applications for development relating to all heritage assets</p>	
	<p>HE9.0 In determining individual applications, local planning authorities should take into account the desirability of enhancing the significance of heritage assets, securing their conservation for the longer term as a resource in sustainable development and utilising their positive role in place-making.</p> <p>In particular they must:</p> <ul style="list-style-type: none"> • have regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. • have regard to the desirability of preserving or enhancing the character or appearance of a conservation area. 	<p>This re-ordering and amendment is suggested. It is important to have this fundamental statement about principles first and to ensure that the requirements of the legislation are reflected.</p> <p>It is important to use the old terminology in the bullet points as this is the formal policy explanation of how the new terminology must be interpreted under the current law.</p> <p>See also commentary at HE 9.4 below.</p>

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	<ul style="list-style-type: none"> • Have regard to the desirability of preserving a scheduled monument or its setting. • have regard to the desirability of ensuring that new proposals affecting historic assets are responsive to context, and that design is appropriate and of sufficient quality 	
<p>HE9.1 In considering applications local planning authorities should seek to identify and assess the significance of any element of the historic environment that may be affected by the relevant development (including development within the setting of an asset) drawing on the evidence provided by any relevant designation records, the relevant historic environment record, the heritage assets themselves and the outcome of consultations with interested parties and specialist advice. In considering the significance of a heritage asset, local planning authorities should take into account the particular nature of the interest in the asset and the value that it holds for this and future generations. This understanding should be used to avoid or minimise conflict between conservation of that significance and proposals for</p>	<p>HE9.1 In considering applications local planning authorities should seek to identify and assess the significance of any element of the historic environment that may be affected by the development (including development within the setting of an asset) drawing on the evidence provided by any relevant designation records, including the relevant historic environment record or equivalent information resource, the heritage assets themselves and the outcome of consultations with interested parties and specialist advice. In considering applications, local planning authorities should take into account the significance of the asset, options for mitigating the extent of change, and the values that it holds for this and future generations, as well as wider public benefits such as a resource in sustainable development</p>	<p>The meaning of the last sentence is not clear. It is vague but could be taken to mean that proposals have some kind of precedence over significance.</p> <p>“Understanding” a conflict of interest does not resolve it. It is not really needed as the balancing of these issues is an intrinsic part of the process.</p> <p>Reference needs to be made to the wider scope of historic information that might be available and to the wider policy issues.</p>

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development.		
<p>HE9.2 Local planning authorities should use appropriate expert advice to inform decision-making relating to heritage assets where the need to understand the significance of the heritage asset demands it. This may be from in-house experts, experts available through agreement with other authorities, or consultants, complemented by specialist national organisations and local amenity societies.</p>	<p>HE9.2 Local planning authorities should use appropriate expert advice to inform decision-making relating to heritage assets. The nature of this advice should be relevant both to the type and significance of the asset, and must be capable of appraising significance, impact, and mitigation in the context of the proposal and not just the asset. This advice may come from in-house experts, experts available through agreement with other authorities, or consultants, complemented by specialist national organisations and local amenity societies.</p>	<p>A better definition of expert advice is required and a distinction may need to be made about the skill sets required (e.g. building conservation, archaeology). Does “appropriate” cover this adequately? The amendment is suggested.</p> <p>This Policy relates only to having ‘back office’ expert advice to understand the asset and not for advice such as that of the conservation officer, which will offer technical conservation input on the proposal. This will of course be based on an understanding but offers significantly more to the process ensuring that intervention is technically as well as aesthetically appropriate.</p>
<p>HE9.3 Local planning authorities should particularly seek the views of the local community where the evidence suggests that the asset may have a historic, archaeological, architectural or artistic significance to the local community that may not be fully understood from records or statutory consultees alone.</p>	<p>HE9.3 Local planning authorities should seek the independent views of the local community where the evidence suggests that the asset may have a historic, archaeological, architectural or artistic significance to the local community that may not be fully understood from records or statutory consultees alone.</p>	<p>The addition of the ‘independent’ attempts to ensure that community views are unfairly manipulated by interested parties.</p> <p>Further explanation of the most appropriate and inclusive methods seeking local community views would be a constructive addition.</p>

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<p>HE9.4 In determining individual applications, local planning authorities should take into account the desirability of enhancing the significance of heritage assets, securing their conservation for the longer term and utilising their positive role in place-making.</p>	<p>HE9.4 In determining individual applications, local planning authorities should have special regard to the desirability of enhancing the significance of heritage assets, their value as a resource for sustainable development securing their conservation for the longer term and utilising their positive role in place-making.</p>	<p>“Take into account” is weak compared to the statutory “have special regard”. The use of ‘desirability’ coupled with ‘take into account’ increases the weakness of this policy. This needs a major rewording to bring it into line with statutory duties.</p> <p>Alternatively, as this is a core Policy, perhaps it should appear as HE9.1 and use the full forms of words required by statute. This is shown as an alternative at HE9.0</p>
<p>HE9.5 Where development proposals that are promoted for their contribution to mitigating climate change have a potentially negative effect on heritage assets, local planning authorities should, prior to determination, and ideally during pre-application discussions, help the applicant to identify feasible solutions that deliver similar climate change mitigation but with less harm to the significance of heritage assets and their setting</p>	<p>HE9.5 Local planning authorities should, prior to determination, and ideally during pre-application discussions, help applicants identify feasible solutions that deliver effective climate change mitigation and minimise carbon emissions without harming the significance of heritage assets and their setting. In particular, at the earliest stages of the development proposals, LPAs should advise on the mitigation of climate change through maintaining, repairing and improving the built environment.</p>	<p>This Policy is unacceptable. It implies, in combination with Policies 9.7 and 9.8, that, where no similar mitigation is possible, heritage assets are secondary and sacrificial, as no account can be taken of their other environmental values (embodied energy etc). Again this underlines the failings of the PPS as drafted. It also implies that similarity of outcome is possible regardless of the nature of the proposal. Change should be possible without damage, rather than with “less harm”</p>
<p>HE9.6 Local planning authorities should aim to ensure that, where reasonably practicable, new</p>	<p>HE9.6 Local planning authorities should aim to ensure that new developments are designed in a way that</p>	<p>The form is weak. It doesn't need both “aim” and “where reasonably practicable”. With the proposed</p>

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<p>developments are designed in a way that respects their setting and reinforces the distinctiveness of heritage assets they stand alongside, in terms of scale, height, massing, alignment, and use of materials. In doing so, local planning authorities should, in line with PPS 1, take care to avoid stifling innovation and undermining investment in sustainable development.</p>	<p>respects local distinctiveness and their setting and reinforces the distinctiveness of heritage assets they stand alongside or affect the setting of, in terms of scale, height, massing, alignment, and use of materials. In doing so, local planning authorities should, in line with PPS 1, take care to promote quality design and encourage investment in sustainable development which may include repair and refurbishment strategies,</p>	<p>amendments the wording is more appropriate.</p> <p>The final sentence as amended is needed to ensure that the policy does not appear to promote either wildly inappropriate or pastiche architecture but should be amended to be more positive and make it clear that heritage assets can contribute to good design rather than are a barrier to it.</p>
<p>HE9.7 Where a development proposal has a negative impact on the significance of a heritage asset, through alteration or destruction, or through development within its setting, the local planning authority should weigh the public benefits of the proposed development against any harm it has on the heritage asset, recognising that the greater the harm to the significance of a heritage asset the greater the justification will be needed for any loss.</p>	<p>HE9.7 Where a development proposal has a negative impact on the significance of a heritage asset, through alteration or destruction, or through development within its setting, the local planning authority should also weigh the other public benefits of the proposed development against any harm it has on the heritage asset, recognising that the greater the harm to the significance of a heritage asset the greater the justification will be needed for any loss and that not all the potential benefits of conserving significance will be articulated in wider planning policy or guidance</p>	<p>This Policy is unacceptable because it does not recognise that protection of the historic environment is itself a public benefit and brings wider social, economic and environmental benefits. The addition of the word "other" removes this to an extent. The qualification of this principle comes in HE9.8 and is maybe the better place to introduce strength. The Guidance says that that in finely balanced cases the outcome should favour retention. This is not stated here and should be added to HE9.8(iii).</p>
<p>HE9.8 Local planning authorities should not accept material harm to or removal of significance in relation to a</p>	<p>HE9.8 Local planning authorities should not accept material harm to or</p>	<p>This qualifies HE9.7.</p>

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heritage asset unless:	removal of significance in relation to a heritage asset unless:	
(i) the harm or partial removal is necessary in order to sustain the asset in its original use or, if the original use is not possible, some other sustainable use that conserves the asset	(i) the harm or partial removal is necessary in order to sustain the asset in a way most compatible with its significance. The proposal should justify why any harm or removal is desirable or necessary and what alternatives have been considered.	The words "harm" and "conserves" are contradictory. The omission would remove the anomaly.
(ii) the heritage asset impedes all reasonable uses of the site, there is clear evidence that no viable use of the site can be found in the medium term that will enable the retention of the asset's significance, and conservation through grant-funding or some form of charitable or public ownership is not possible or	(ii) the heritage asset impedes all reasonable uses of the site, there is clear evidence that no viable use of the asset or its site can be found in the long term that will enable the retention of the asset's significance and value as a resource in sustainable development and its conservation through grant-funding or some form of charitable or public ownership is not possible and it has not been sold by realistic expectations on the open market or	Medium term is a weak and undefined term. Long-term would be better. The word "site" is inappropriate on its own as it implies that sites containing assets have to have viability ignoring the presence of the asset. Marketing to test viability is best practice. There is a danger with this policy that where heritage assets with significant heritage merit have no beneficial use and are seen to impede development the loss of these assets may be justified.
(iii) it can be demonstrated that the material harm to or removal of significance is outweighed by the wider	(iii) it can be demonstrated that the material harm to or removal of	This is unacceptable. Mitigating climate change is a very broad and open-ended expression. This should not imply a policy

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<p>social, economic and environmental benefits, including mitigating climate change, that will be delivered by the proposed development</p>	<p>significance or value as a resource in sustainable development is heavily outweighed by the wider social and environmental benefits, including mitigating climate change, that will be delivered by the proposed development.</p>	<p>precedence for climate change (or any other) issues. Introducing the idea that social, economic or environmental benefits can justify harm to heritage assets, without making very clear where this might apply will reduce protection. The addition of the word "heavily" would temper the balance but a complete rewording might be needed. The introduction of an economic balance to justify the loss of heritage assets is very much regretted and we would ask it is removed. The policy might be used to justify unproven technology that may appear to be beneficial environmentally but are not so when one includes the cost of manufacture, transport and lifespan.</p>
<p>HE9.9 Where there has been any deliberate neglect of the heritage asset in the hope of obtaining consent, local planning authorities should disregard any deterioration resulting from such neglect when determining consent.</p>	<p>HE9.9 Where there has been any neglect of the heritage asset in the hope of obtaining consent, local planning authorities should disregard any deterioration resulting from such neglect when determining consent.</p>	<p>This is a useful Policy borrowed from the arrangements for Compulsory Purchase compensation. We do not believe it is possible to prove deliberate harm and the word should be omitted.</p>
<p>HE9.10 Where loss of significance is justified on the merits of new development, local planning authorities should make every effort to satisfy</p>	<p>HE9.10 Where loss of significance is justified on the merits of new development, local planning authorities should make every effort to satisfy</p>	<p>The addition is needed to protect against opportunistic demolition in a conservation area. The previous PPG included a clause</p>

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<p>themselves of the likelihood that the proposed new development will proceed before approving the application.</p>	<p>themselves of the likelihood that the proposed new development will proceed before approving the application and should apply a condition to the approval requiring the loss of significance to occur only in the full implementation of the development.</p>	<p>which required a contract to be let before development could commence but any full implementation of the scheme may be appropriate as a trigger.</p>
<p>Policy HE10: Additional policy principles guiding the consideration of applications for development related to designated heritage assets</p>	<p>Policy HE10: Additional policy principles guiding the consideration of applications for development related to designated heritage assets</p>	
<p>HE10.1 Local planning authorities should be guided by the principle that the more significant the heritage asset, the greater the presumption in favour of its conservation.</p>	<p>HE10.1 Once lost heritage assets cannot be replaced and their loss has environmental, economic and social impact, Significance can be lost as much by unsuitable alteration as by demolition or destruction. There should be a general presumption in favour of the preservation of heritage assets and local planning authorities should be guided by the principle that the more significant the heritage asset, the greater the presumption in favour of its conservation. This reflects the great importance to society of protecting heritage assets.</p>	<p>This is a basic principle which is immediately undermined by the wording Of HE10.2. It would be useful to strengthen the whole suite of Policy here by retaining words from PPG15. The presumption in favour of preservation is one of the most important aspects of conservation policy and without a strong defensible policy for this most other protection will be diminished.</p>
<p>HE10.2 Material loss of heritage assets</p>	<p>HE10.2 Material loss of heritage assets</p>	<p>This appears to downgrade the</p>

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<p>of the highest significance, including scheduled ancient monuments, protected wreck sites, battlefields, grade I and II* listed buildings and registered parks and gardens, should be wholly exceptional.</p>	<p>of the highest significance, including scheduled ancient monuments, protected wreck sites, battlefields, grade I and II* listed buildings and registered parks and gardens, should be wholly exceptional. Material loss of any heritage asset should not be permitted without careful and informed consideration of alternative proposals to ensure retention.</p>	<p>protection of the majority of heritage assets, The implication is that a system is created where high graded assets cannot be changed in any way but the remainder of assets can be altered or lost regardless of contextual importance.</p> <p>Combined with Policy HE10.1, it places heritage assets in two distinct divisions in which material loss is "wholly exceptional" and, presumably "not wholly exceptional". The addition is intended to provide a gauge to the hierarchy of significance to ensure that "special regard" is given in all cases.</p>
<p>HE10.3 Local planning authorities considering applications for development related to designated heritage assets should be particularly alert to policy 9.8(ii) which sets out the requirement for evidence that alternative ownership or uses for the asset have been explored. To be confident that no appropriate and viable use of the asset can be found, local planning authorities should require evidence that other potential owners or users of the site have been sought through appropriate marketing and that reasonable endeavours have been made to seek grant funding for the asset's conservation and to find charitable or</p>	<p>HE10.3 Local planning authorities considering applications for development related to designated heritage assets should be particularly alert to policy 9.8(ii) which sets out the requirement for evidence that alternative ownership or uses for the asset have been explored. To be confident that no appropriate and viable use of the asset can be found, local planning authorities should require evidence that other potential owners or users of the site have been sought through appropriate marketing and that reasonable endeavours have been made to seek grant funding for the asset's conservation and to find charitable or</p>	<p>This is useful explanation.</p>

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public authorities who may be willing to take on the asset.	public authorities who may be willing to take on the asset.	
<p>HE10.4 In considering the significance of heritage assets local planning authorities should bear in mind that not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Those elements that do contribute to the significance should be considered as designated assets in themselves (whether subject to separate statutory designation or not). When considering applications for development, local planning authorities should take into account the significance of such individual elements and their contribution to the significance of the World Heritage Site or Conservation Area as a whole.</p>	<p>HE10.4 In considering the significance of heritage assets local planning authorities should bear in mind that not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Those elements that do contribute to the significance should be considered as designated assets in themselves (whether subject to separate statutory designation or not). When considering applications for development, local planning authorities should take into account the significance of such individual elements and their contribution to the significance of the World Heritage Site or Conservation Area as a whole.</p>	<p>This protects assets which have a local value and significance.</p>
<p>HE10.5 Where an element of a World Heritage Site or Conservation Area does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the World Heritage Site or Conservation Area, including, where appropriate, through development of that element. This should be seen as a</p>	<p>HE10.5 Where an element of a World Heritage Site or Conservation Area does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the World Heritage Site or Conservation Area, including, where appropriate, through development of that element. This should be seen as a</p>	<p>This important policy allows new development in areas where there may not be uniform significance or quality. This Policy is welcomed but could be strengthened by replacing “does not positively contribute to its significance” with “does not detract from its significance”.</p>

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positive public benefit and part of the process of place-making.	positive public benefit and part of the process of place-making.	
HE10.6 Due to the discretionary approach taken to the scheduling of monuments and the statutory limitations on what can be designated as a monument there are many sites that are significant for their archaeological interest that are not designated at present. 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. .	HE10.6 There are many significant assets that may have substantial interest but are not designated at present. The absence of designation does not necessarily indicate lower significance and the purpose of investigation is to establish significance	The existing text is inappropriate as it suggests there is not a discretionary approach to the designation of structures and that non-designated assets of value only occur as archaeological monuments. Our proposals amends this to cover all unknown or undesignated assets of value
Policy HE11. Additional policy principles guiding the consideration of applications for development affecting the setting of a heritage asset	Policy HE11. Additional policy principles guiding the consideration of applications for development affecting the setting of a heritage asset	
HE11.1 When considering applications for development within the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that enhance the significance of the asset. When considering applications	HE11.1 When considering applications for development within the setting of a heritage asset, local planning authorities, should treat favourably applications that preserve those elements of the setting that enhance the significance of the asset. When	This policy is necessary to calibrate the significance of the settings of heritage assets against wider objectives. The issue can probably not be adequately dealt with in policy alone but needs well-thought-out guidance The omitted words are inappropriate as

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<p>that do not do this, local planning authorities should weigh any loss of enhancement of the asset against the wider benefits of the application. Reflecting the importance Government attaches to development that contributes to the wider principles of sustainable development, such benefits may include the wider benefits associated with increased production of energy from low or zero-carbon sources. The greater the negative impact on the significance of the asset, the greater the benefits that will be needed to justify approval.</p>	<p>considering applications that do not do this, local planning authorities should weigh any harm or loss of enhancement opportunity for the asset against the wider benefits of the application. The greater the negative impact on the significance of the asset the greater the benefits that will be needed to justify approval.</p>	<p>they refer to policy contained in another PPS.</p>
<p>HE11.2 Where an aspect of an asset's setting does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance, including through high quality design of new development. This should be seen as a positive public benefit and part of the process of place-making.</p>	<p>HE11.2 Where an aspect of an asset's setting does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance, including through high quality design of new development. This should be seen as a positive public benefit and part of the process of place-making.</p>	<p>This is the companion Policy to HE10.5. Consistency would be appropriate: hence the similarity of the wording.</p> <p>But betterment cannot be solely attached to 'significance' so there is a need to balance betterment in the widest sense, and loss to significance, or how the two might be managed together.</p>

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<p>Policy HE12: Additional policy principles guiding development of a heritage asset that is otherwise contrary to the development plan (also known as enabling development)</p>	<p>Policy HE12: Additional policy principles guiding development of a heritage asset that is otherwise contrary to the development plan (also known as enabling development)</p>	
<p>Local planning authorities should use the following criteria to determine whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan, bearing in mind the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004.</p>	<p>HE12.1 Local planning authorities should use the following criteria to determine whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan, bearing in mind the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004.</p>	<p>This Policy closely follows the Policy in English Heritage's <i>Enabling Development and the Conservation of Significant Places</i>. As this replicates the questions in that guidance and other assessment criteria which had previously been included in PPG 15 have not been included at length this may not all be necessary</p> <p>Criterion (g) in the EH document is contained in the opening text here.</p>
<ul style="list-style-type: none"> • Will it materially harm the significance of the asset or its setting? 	<ul style="list-style-type: none"> • Will it materially harm the significance of the asset or its setting? 	
<ul style="list-style-type: none"> • Will it avoid detrimental fragmentation of management of the asset? 	<ul style="list-style-type: none"> • Will it avoid detrimental fragmentation of management of the asset? 	
<ul style="list-style-type: none"> • Will it secure the long term future of the asset and, where applicable, its continued use for a purpose sympathetic to its conservation? 	<ul style="list-style-type: none"> • Will it secure the long term future of the asset and, where applicable, its continued use for a purpose sympathetic to its conservation? 	

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<ul style="list-style-type: none"> • Is it necessary to resolve problems arising from the inherent needs of the asset, rather than the circumstances of the present owner, or the purchase price paid? 	<ul style="list-style-type: none"> • Is it necessary to resolve problems arising from the inherent needs of the asset, rather than the circumstances of the present owner, or the purchase price paid? 	
<ul style="list-style-type: none"> • Is there a source of funding that might support the asset without the need for enabling development? 	<ul style="list-style-type: none"> • Is there a source of funding that might support the asset without the need for enabling development? 	
<ul style="list-style-type: none"> • Is the level of development the minimum necessary to secure the future conservation of the asset and of the design and type that minimises harm to other public interests? 	<ul style="list-style-type: none"> • Is the level of development the minimum necessary to secure the future conservation of the asset and of the design and type that minimises harm to other public interests? 	
<p>Policy HE13: Policy principles guiding the recording of information related to heritage assets</p>	<p>Policy HE13: Policy principles guiding the recording of information related to heritage assets</p>	
<p>HE13.1 A documentary record of our past is not as valuable as retaining the asset. The ability to record evidence of our past should not therefore be a factor in deciding whether consent for development that would result in a heritage asset's destruction should be given.</p>	<p>HE13.1 A documentary record of our past is not as valuable as retaining the asset. The ability to record evidence of our past should not be a factor in deciding whether consent for development that would result in a heritage asset's destruction should be given.</p>	<p>We support this policy as it reinforces the principle of presumption of preservation in situ and that preserving by record should not be accepted a suitable alternative as a matter of course.</p>
<p>HE13.2 The process of investigating</p>	<p>HE13.2 The process of investigating</p>	<p>The wording needs to be consistent with</p>

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<p>the significance of the historic environment, as part of plan- or decision-making, generates information and furthers understanding of our past. This information should be made publicly available, including through the relevant historic environment record.</p>	<p>the significance of the historic environment, as part of plan- or decision-making, generates information, provides a valuable resource for informing future conservation, while also furthering understanding of our past. This information should be acquired and managed in an appropriate fashion, and made publicly available, including through the relevant historic environment record.</p>	<p>Policy HE7.2</p> <p>The words here are considered acceptable in principle but we accept that others may criticise them.</p>
<p>HE13.3 Where a decision has been made that will result in the loss of the whole or a material part of an asset's significance, local planning authorities should ensure that developers maximise opportunities to advance understanding of the asset's significance before this is lost. Developers should publish the outcomes of such investigations and the advancement in understanding that those results bring. They should deposit copies of the reports with the relevant historic environment record. They should also offer the archive generated to a local museum or other public depository. Where appropriate, local planning authorities should impose planning conditions or obligations to ensure such work is carried out before commencement of the development.</p>	<p>HE13.3 Where a decision has been made that will result in the loss of the whole or a material part of an asset's significance, local planning authorities should ensure that proportionate opportunities are taken to advance understanding of the asset's significance before this is lost where these does not provide disbenefits to wider historic environment outcomes. These should be made publicly available. Where appropriate, local planning authorities should impose planning conditions or obligations to ensure such work is carried out before commencement of the development</p>	<p>We support this policy but believe that recording must be proportionate, and not at the expense of placemaking outcomes.</p> <p>The Policy does not explain what a developer is or distinguish between owner-improver and commercial developer. The Policy and the system in general must encourage owner-improvers to do just that whilst developers fund understanding under a 'polluter pays' principal. Expert conservation advice is necessary to judge the balance.</p> <p>The word 'offer' in relation to archives being deposited is a misunderstanding of current procedures for archaeological work in local authorities; it is actually a 'requirement' as part of an</p>

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		archaeological planning condition.
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ANNEX 1. TERMINOLOGY	ANNEX 1. TERMINOLOGY	<p>The definitions given here often do little to clarify because they are so wide-ranging – they fail to exclude rather than provide reasons for inclusion. This is a most unhelpful compromise for most users, including owners, conservation professionals, planning authorities and developers. Existing terminology has the benefit of usage and practical application</p>
		<p>There is a problem with the terminology because it is incomplete (heritage asset is referred to but not defined) and because it does not resolve the relationship between “significance” and “architectural or historic interest” and the other expressions used in the legislation.</p> <p>Some suggestions are made. The only completely out-of-step aspect is “artistic interest” which only loosely conforms to being described as a component of “historic interest”.</p> <p>It is inappropriate to exclude Amenity, special interest and Character from these definitions, regardless of their use in the document, because of their</p>

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		importance in practice.
<p>Archaeological interest</p>	<p>Archaeological interest</p>	
<p>An interest in carrying out an expert investigation at some point in the future into the evidence a place may hold of past human activity. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. These remains are part of a record of the past that begins with traces of early humans and continues to be created and destroyed.</p>	<p>A special interest in carrying out an expert investigation at some point in the future into the evidence a place may hold of past human activity. Heritage assets with archaeological interest are an important source of evidence about the substance and evolution of places, and of the people and cultures that made them and complement a wide range of other historical and scientific resource informing us about our past. Heritage assets, are part of a record of the past that begins with traces of early humans and continues to be created and destroyed.</p>	<p>This definition is - too inclusive and is more like a definition of the whole historic environment.</p> <p>The 'archaeological' aspects of the asset are not necessarily the primary source; documents will often tell more (e.g. planning records can tell more about a place than an archaeological record of it)</p>
<p>Architectural and artistic interest</p>	<p>Architectural interest</p>	
<p>These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the place has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types.</p>	<p>These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the place has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types.</p>	<p>Artistic interest sits uncomfortably here as it is sometimes architectural and sometimes not. It needs to be separately defined in terms of both architectural and historic interest so when statutory procedures are being undertaken the assessment conforms fully to due process.</p>

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Artistic interest is an interest in other human creative skill, like sculpture.	Architectural interest may include artistic interest.	
	Artistic interest	
	Artistic interest is an interest in other human creative skill, like sculpture. Artistic interest may be architectural interest, historic interest or both.	See comment above.
Conservation	Conservation	
The process of maintaining and managing change to a heritage asset in a way that preserves its significance.	The process of expertly managing change - inevitable, necessary or desirable - to a heritage asset or area in a way that preserves its widest values for future generations.	The reference to significance as defined is not supported in wider guidance or literature in conservation. Alternative wording is suggested because of the need to identify wider conservation standards and identify how it relates to this PPS. International standards (ICOMOS), and professional practice (accreditation, card schemes etc) affirm the importance of specialists within all areas involved in managing change, so the exclusivity of the link between 'significance' and conservation is inappropriate.
Designated asset	Designated asset	

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A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park or Garden, Registered Battlefield or Conservation Area designated as such under the relevant legislation.	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park or Garden, Registered Battlefield or Conservation Area designated as such under the relevant legislation.	
	Enabling Development	A definition of enabling development should be included
Heritage asset	Heritage asset	
A building, monument, site, or landscape of historic, archaeological, architectural or artistic interest whether designated or not. Heritage assets are components of the historic environment.	A building, monument, site, area or landscape of historic, archaeological, architectural or artistic interest whether designated or not. Heritage assets are components of the historic environment.	<p>The word "area" is needed to ensure conservation areas fall within the definition. Non-designated assets are included in the definition.</p> <p>The use of the term heritage asset has been used throughout the PPS but we feel it is confusing and limiting. It does not comfortably seem to cover areas and will be confusing to communities and stakeholders.</p>
Historic environment	Historic environment	
All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past	

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<p>human activity, whether visible, buried or submerged, and deliberately planted or managed flora. Those elements of the historic environment that have significance are called heritage assets.</p>	<p>human activity, whether visible, buried or submerged, and deliberately planted or managed flora. Those elements of the historic environment that have significance are called heritage assets.</p>	
<p>Historic environment record (HER)</p>	<p>Historic environment record (HER)</p>	
<p>Historic environment records are information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use. Typically, they comprise databases linked to a geographic information system (GIS), and associated reference material, together with a dedicated staffing resource.</p>	<p>Historic environment records are locally linked information services operating to an agreed service standard in support of the planning process. They seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.</p>	<p>Materials are not necessarily held in HERs - they are deposited in registered archive repositories, sometimes these are housed in the same place as the HER often they are not - depending on the internal organisation within local authorities.</p>
<p>Historic interest</p>	<p>Historic interest</p>	
<p>An interest in past lives and events. Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide an emotional meaning for communities derived from</p>	<p>An interest in past lives and events. Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide an emotional meaning for communities derived from</p>	<p>The addition is required to insure that all four forms of interest as defined fall within the statutory definition.</p>

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<p>their collective experience of a place and can symbolise wider values such as faith and cultural identity.</p>	<p>their collective experience of a place and can symbolise wider values such as faith and cultural identity. Historic interest may include archaeological and artistic interest and association with famous people.</p>	
<p>Historic characterisation</p>	<p>Historic characterisation</p>	
<p>Historic characterisation is the process and product of defining the overall historic character of a place or landscape in terms of its present-day archaeological and architectural identity so that the principles of sustainable development can be applied. GIS-based historic landscape characterisation and its urban equivalents are currently the most prevalent of these approaches, but historic environment characterisation extends these principles by combining assessments of archaeological, architectural and historic landscape character, while historic seascape characterisation applies them to the marine historic environment.</p>	<p>Historic characterisation is the process and product of defining the overall historic character of a place or landscape in terms of its present-day archaeological, historic, planned and architectural identity, to assist in the application of the principles of sustainable development</p>	<p>Summation of a place solely in terms of its archaeology and architecture is wholly inappropriate, and contrary to such principles of place making as are found in this PPS.</p> <p>The meandering description registers failure rather than procedure.</p>
<p>Setting</p>	<p>Setting</p>	
<p>The area surrounding a heritage asset within which activity or development</p>	<p>The area surrounding a heritage asset within which activity or development</p>	<p>Impacts on setting may not affect significance, but might impact on</p>

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<p>may affect the significance of that asset. The significance of an asset, or appreciation of that significance, may be enhanced or diminished by elements of the existing setting.</p>	<p>may affect the significance of that asset. The significance of an asset, or appreciation of that significance, may be enhanced or diminished by elements of the existing setting. The setting is not the same as the curtilage of an asset, setting may be smaller or could be much wider than the curtilage.</p>	<p>viability of future protection, and this should be considered.</p> <p>This should perhaps include a reference to prevent confusing setting with curtilage</p>
<p>Significance</p>	<p>Significance</p>	
<p>The value of a place to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic</p>	<p>The value of a place to this and future generations because of its architectural or historic interest. The evaluation of significance is what the decision-maker does when:</p> <ul style="list-style-type: none"> • in the case of a listed building or its setting, the decision-maker has regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. • in the case of a conservation area, the decision maker has regard to the desirability of preserving or enhancing the character or appearance of that area. • in the case of a scheduled monument or its setting, the decision-maker has regard to the 	<p>The amendments are needed to ensure more competent and useable definition in line with the primary legislation and practitioners' needs. As worded there is confusion between the terms "historic interest" and "heritage asset".</p> <p>It is also necessary to make the links to the existing legislation more concrete, and equate significance and special interest accordingly</p>

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	desirability of preserving the scheduled monument or its setting.	