

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 17 JUNE 2010
title: PLANNING POLICY STATEMENT 5 (PPS5) – PLANNING FOR THE HISTORIC ENVIRONMENT
submitted by: DIRECTOR OF DEVELOPMENT SERVICES
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1 PURPOSE

1.1 To inform Members of the issue of PPS5 and the cancellation of PPG's 15 and 16 on 23 March 2010.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – To protect and enhance the existing environmental quality of our area.
- Community Objectives – The Ribble Valley Sustainable Community Strategy 2007-2013 has three relevant strategic objectives – maintain, protect and enhance all natural and built features that contribute to the quality of the environment. Ensure that the design of buildings respects local character and enhances local distinctiveness. Sustainably manage and protect industrial and historical sites.
- Corporate Priorities – Objective 3.3 of the Corporate Plan commits us to maintaining and improving the environmental quality of the Ribble Valley. Objective 3.8 of the Corporate Plan commits us to conserving and enhancing the local distinctiveness and character of our towns, villages and countryside when considering development proposals.
- Other Considerations – None.

2 BACKGROUND

2.1 The last government was committed to reforming particular aspects of the heritage protection system. The white paper Heritage Protection for the 21st Century (March 2007) set out three central principles:

- The wish to develop a unified approach to the historic environment.
- Maximising opportunities for inclusion and involvement.
- Supporting sustainable communities by putting the historic environment at the heart of an effective planning system.

2.2 Whilst some elements of the heritage protection reform programme required primary and secondary legislation (for which parliamentary time could not be found) this was not necessary for the introduction of new policy and guidance to replace Planning Policy

Guidance Notes 15 (Planning and the Historic Environment; 1994) and 16 (Archaeology and Planning; 1990).

- 2.3 In October 2009, the Borough Council responded to a consultation on the draft PPS15: Planning for the Historic Environment (sic) expressing concern at the proposed loss of clarity and the breadth and depth of direction, the need for new terms (eg 'significance') to be clearly defined, the reduction in protection to listed buildings (particularly Grade II) and conservation areas, the need to reconcile the extant duties in the 1990 Act with new policy and guidance, the lack of direction on the integration and promotion of good new design in the historic environment, the need for explicit recognition of the inherent sustainability of protecting the historic environment, the need for embodied energy, place making, regeneration and tourism issues to be considered at the off set in balancing the protection of the historic environment with climate change mitigation, and the resource implications of giving greater responsibility for the protection of the historic environment to local authorities.

3 PPS5: PLANNING FOR THE HISTORIC ENVIRONMENT AND THE HISTORIC ENVIRONMENT PLANNING PRACTICE GUIDE

- 3.1 On 23 March 2010 PPS5 and the accompanying HEPPG was issued. This dual format was in line with the last government's commitment in the 2007 white paper – Planning for a Sustainable Future to streamline existing PPG's and PPS's and separate policy from guidance. Both documents can be downloaded from the English Heritage website www.english-heritage.org.uk.

- 3.2 The policies in PPS5 "are a material consideration which must be taken into account in development management decisions where relevant" (Introduction to PPS5, paragraph 3). The HEPPG (CLG, EH and DCMS) "may also be material to individual planning and heritage consent decisions" but "does not constitute a statement of government policy itself, nor does it seek to prescribe a single methodology or particular data sources. Alternative approaches may be equally acceptable, provided they are compliant with the national policies and objectives, clearly justified, transparently prescribed and robustly evidenced" (HEPPG, paragraph 2).

4 CONCLUSIONS

- 4.1 PPS5 and the HEPPG has addressed some of the Borough Council's concerns expressed in October 2009. The status of Grade II listed buildings and conservation areas appears to have been retained by their inclusion within 'designated heritage assets' (for which there is a presumption in favour of conservation – PPS5 Policy HE9.1). The importance of the historic environment to sustainable development, local character, a sense of place and place shaping is recognised (The Government's Objectives, PPS5 paragraphs 6 and 7).

- 4.2 The full implication of PPS5 and HEPPG will not be known until a body of interpretation (eg appeal decision inspector's comments, legal decisions, English Heritage advice notes) has developed. Additionally, little analysis or assessment has so far come from the heritage sector.

- 4.3 However, the Institute of Historic Building Conservation suggests in the May 2010 edition of its magazine Context that:

“PPG15 was intended not only for local authorities, but also as a useful source of guidance for property owners, developers, investors, amenity bodies and others. PPS5 on the other hand, is planning policy and nothing more. PPG15 was for many an inspirational document filled with useful quotes... against which PPS5 seems very dry and sparse.

The PPS5 introduces a raft of new language eg ‘heritage assets’ and ‘significance’.

The loss of Annex C, which offered precise technical guidance on many aspects of conservation practice has been a sore to many. Others are more sympathetic to the new approach, treating cases on their individual merits.

The HEPPG guidance is seen as more flexible and open to later amendment. Indeed the IHBC has raised issues with English Heritage on how guidance could be amended in the future to improve certain areas. To balance this there needs to be an awareness that it should not be treated as something so flexible that it will have little weight and confer little protection.

It is clear that substantial duty is placed on the expert practitioner to make an informed and balanced judgement to identify a ‘heritage asset’.

In order for applications to be validated, the ‘significance’ of heritage assets has to be identified and assessed to a proportionate level.

The PPS contains a number of terms which would appear to be likely sources of future debate and discussion as to their extent and definition, and which are not defined in the terminology annex. The introduction of such terms without definition is unfortunate. For example, where does ‘substantial harm’ exceed ‘less harm’ or indeed become ‘less than substantial harm’? The level of harm is seen by the government to be a judgement to be made by local planning authorities.

The removal of all policies considered to not be direct planning policies has reduced the value of the document to specialist conservation professionals. Thus the relationship of the historic environment to other areas of control and grant regimes (such as building regulations, dangerous buildings, disabled access, house renovation grants, ecclesiastical exemption, advertisement control, and highways and public realm) have all been removed in many cases, not only losing valuable statements of priority over other legislation, but unlikely to be picked up by other PPSs.

The emphasis has been lost for areas such as enforcement and prosecution, and establishing fixtures and curtilage.

The reinstatement of a presumption in favour of preservation now termed conservation (policy 9.1) which was to be lost in the previous draft of PPS15, is now expanded under the PPS to be relevant to all designated heritage assets eg listed buildings, scheduled monuments, registered parks and gardens.

PPG15 contained no advice on ‘enabling development’. The new enabling development policy (II.1) is based very tightly on English Heritage’s existing policy. It requires a series of tests to be applied to applications to enable local planning authorities to weigh up

whether the benefits to the asset of the enabling development outweigh the deviation from local or national policies”.

- 4.4 In my initial opinion, the new system appears less technically prescriptive and no longer grounded on the assumption of the *preservation* of a few designated elements of the historic environment. There is a new, more encompassing but less defined, emphasis on the *conservation* of ‘heritage assets’ which are:

“A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets (as defined in the PPS) and assets identified by the local planning authority during the process of decision-making or through the plan-making process (including local listing)”.

This definition appears to have potential resource implications for applicants, developers and the Borough Council particularly when considering what is a ‘heritage asset’ and what is its ‘significance’ (defined as “the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic”).

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