



ENGLISH HERITAGE

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E mail pat.aird@english-heritage.org.uk
Telephone
Fax 020 7973 3826
020 7973 3574

Suggested Content of National Planning Policy Framework (NPPF)

English Heritage welcomes the opportunity to respond to the consultation on the content for the proposed National Planning Policy Framework. English Heritage is an Executive Non-Departmental Public Body sponsored by the Department for Culture, Media and Sport, with our funding agreement signed by CLG and DEFRA. We work in partnership with central government departments, local authorities, voluntary bodies and the private sector to conserve and enhance the historic environment, broaden public access to our cultural heritage, and increase people's understanding and appreciation of the past.

We are the UK Government's adviser and a statutory consultee on all aspects of the historic environment and its heritage assets. This includes archaeology on land and under water, historic buildings and areas, designated landscapes and the historic elements of the wider landscape.

Government objectives

The government are proposing National Planning Policy Framework which will

- Deliver government objectives where it is relevant, proportionate and effective to do so
- Establish a presumption in favour of sustainable development
- avoid contradictions
- encourage growth
- help local communities to decide what is right for them
- be more user-friendly and accessible.

Relevance of PPS5

PPS 5 is an excellent model for delivering the government's objectives. It is short, easily understood, recognises the importance of local character and the role conservation of heritage assets can play in fostering economic growth, and explains clearly how to integrate consideration of the historic environment with other planning objectives, particularly the mitigation of and adaptation to climate change, by weighing impact on the significance of

1 WATERHOUSE SQUARE, 138-142 HOLBORN, LONDON EC1N 2ST

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heritage assets against public benefits. Moreover it has been easily adapted to form the cultural heritage section in the Energy NPSs and as a generic text for the forthcoming NPSs on Ports, Waste Water etc.

PPS5 is less than a year old and was drafted with the intent of condensing national planning policy to a minimum. It has been very well received. Prior to PPS5 there were standalone policies for listed building consent, conservation area consent and planning permission within PPGs 15 and 16. The documents ran to some 70,000 words. PPS5 is some 4,000 words.

In understanding the importance of PPS5 it is vital to recognise that there are fundamental differences in the policy regimes that cover listed building consent, conservation area consent and planning permission. In short planning permission is decided in accordance with the development plan and material considerations (s38(6) of the Planning and Compulsory Purchase Act 2004), which after the Localism Bill has come into force will comprise the NPPF, the LDF and any neighbourhood development plans (NDPs).

Listed building and conservation area consent are not decided in accordance with the development plan. National policy, LDFs and NDPs may be material to a listed building consent decision, but only national policy has really ever dealt explicitly with the decision-making principles for listed building consent. As that consent is required for a broad range of works that would never require planning permission, there are a number of considerations that would never be covered by general planning policies.

In short, national policy must not just contain historic environment planning policies, but also listed building and conservation area consent policies or there will be a policy vacuum for these important consents.

Presumption in favour of sustainable development

The protection of the historic environment is an inherent element of any proper definition of sustainable development as it is only through the protection of what we value in our historic buildings and sites that we and futures generations may continue to fulfill our cultural and social needs. This is set out in paragraph 7 of PPS5. Including historic environment protection within the definition of sustainable development in the NPPF is vital to the proper positioning of historic environment planning policies within the overall framework. Sustainability tests that may be applied to any decision might be framed as follows:

1. Has sufficient investigation been carried out and information presented for the decision-maker to be able to properly understand the significance of the heritage assets or their settings that may be affected by the proposed development?
2. Has the value of the affected heritage assets to this and future generations been given due weight in the decision, bearing in mind that any harm that may be done could be irreversible?

Helping communities to decide what is right for them – the evidence base

For neighbourhood and local authority planning, communities need access to evidence on the historic environment in their area and particularly the potential for currently unidentified heritage sites with an archaeological interest to be discovered, so they can plan their neighbourhoods, local areas effectively. PPS5 Policies HE2.1, HE2.2 and HE2.3 require local



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planning authorities to have this evidence. These policies could be woven into more general requirements for evidence.

Helping communities to decide what is right for them - LDF strategic policies

Understanding the strategic elements of the LDF will assist communities preparing neighbourhood plans in a way that acknowledges the interest of neighbouring areas in the greater whole. Policy HE3.1 requires local planning authorities to set out a strategy in relation to the conservation and enjoyment of the historic environment in their area and policies HE3.3 and HE3.4 explain this in more detail. These policies could be woven into more general plan-making policies.

Given the wording of the Localism Bill a key new consideration is the need for historic environment policies to be labeled as 'strategic' if the local planning authority believes they relate to an interest that is importance or value to the community outside of the immediate neighbourhood.

Helping communities to decide what is right for them - Neighbourhood Plans and Development Orders

Whilst communities are very keen to protect their heritage, there are sometimes circumstances where a decision may have unintended consequences or, where the aspirations of one community harm the interests of another perhaps wider community. In either case it is important that heritage assets with wider than local interest are not adversely affected. Designated heritage assets in particular obviously have wider than local interest and some undesignated heritage assets with archaeological interest are of national or even international interest.

Policies to protect the interest of the wider community in heritage assets affected by neighbourhood planning should provide that if it cannot be demonstrated that the plans or orders are in direct compliance with the NPPF policies regarding heritage assets of more than local importance, then the plans or orders should be limited or conditioned in such a way as to ensure that either such heritage assets will be unaffected by development in accordance with the plan or order, or, that aspects of development that may affect the heritage assets are subject to later approval by the local authority. This will provide an explicit and therefore helpful guiderail for the examiner and local authority when considering the 'basic conditions' for the grant of neighbourhood measures.

Helping Communities to decide What is Right for Them – Understanding and Assessing Planning Applications

Understanding significance of a heritage asset (why we value it and future generations will too) is critical to good decision making and as such Policies HE6.1 and HE6.2 will both assist developers submitting applications and local communities who are trying to assess the impact of development on their neighbourhood. Indeed, this is one area where we are being asked if Government could provide more advice to assist applicants, not less.

Policies HE7.1-7, HE8 and HE9.1-6 set out clearly how applications can be assessed in a way that is proportionate and takes into account local importance as well as national interest. These principles can be extended to cover other issues in the same way that HE1 addresses climate change. The consultation on PPS5 showed the great importance that people placed



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on the presumption in favour of conservation of designated heritage assets. HE9.1 was seen by very many as essential in giving the right sense of weight to be given to the protection of heritage assets. Planning is always a balancing exercise, but without a sense of the weight to be given to a particular issue, policies can be relatively meaningless.

The significance of designated heritage assets can be harmed through development within the setting. Consideration for preserving the setting of listed buildings has been a statutory requirement since 1980. Protecting the setting of listed buildings and the like is a matter of more than local importance and can be of national and international importance. It will therefore be important that policies HE10.1 and HE10.2 are retained if protection for the historic environment is not to be reduced.

Policy HE11 sets out clearly the process for assessing applications for development which are contrary to local plan policies but is needed to finance a conservation deficit i.e. 'enabling development'. This is a policy which cannot by definition be set at a local level and makes a significant contribution to heritage protection, particularly in economically difficult times. It is therefore an appropriate inclusion in the NPPF.

Heritage assets with an archaeological interest have an evidential value which can be of national or even international importance. Policy HE12 sets out the principles guiding the recording of information in the event heritage assets with an archaeological interest will be affected and should be retained for national consistency and in the national interest

Policies on the Historic Environment in Other PPGs and PPSs

The following policies also assist in understanding national priorities and could helpfully be included in the NPPF:

PPG2

Para 1.5 sets out purposes of the green belt

'to preserve the setting and special character of historic towns, and

'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

These objectives contribute to sustainable development and local place making.

PPS4

Para 10 sets out the contributors to sustainable economic development which includes the principle:

the historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity

Policy EC6 relates to the conversion of traditional farm buildings, which would be helpful in the context of the 'Home on the farm' initiative, and farm diversification which contributes to the rural economy.



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EC7.1e requires local authorities to

recognise that in areas statutorily designated for their natural or cultural heritage qualities, there will be scope for tourist and leisure related developments, subject to appropriate control over their number, form and location to ensure the particular qualities or features that justified the designation are conserved

PPS7

Paragraph 21 explains the landscape designations and their cultural heritage importance and the weight to given in decision making to these which would be helpful in the NPPF.

PPG8

Para 16 requires mast operators to demonstrate that there are no suitable alternatives when considering location where protection of the historic environment is a high priority and if protection is to remain at this level a similar policy would be needed in the NPPF.

PPG13

There is currently no consideration of the historic environment within PPG13. English Heritage have published a series of regional guides on traffic management in historic areas *Streets for All* which could assist in drafting policy relating to traffic management which takes the historic environment into consideration.

PPG18

There are no policies on enforcement in PPS5 – not because they are not considered important but because it was understood that PPG18 would be revised to include policies which addressed enforcement and the historic environment which were set out in PPGs 15 and 16. We would be pleased to assist in drafting elements of the NPPF which related to enforcement and the historic environment.

PPG19

In carrying out their advertisement control functions local planning authorities are required to address specific issues of amenity and public safety. It would therefore be helpful to integrate elements of this PPG in particular the parts of paragraphs 11, 12, 22, 23, 24 and 27 (which explain how the advertisement regulations need to be considered using the principles which were subsequently set out in PPS5).

PPG20 and 25

Marine and coastal planning

The overlap between the two planning regimes e.g. sustainable flood risk management and coastal settlements that are most in need for inward investment also needs to be addressed in the NPPF.



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PPS22

Minerals Planning Guidance

It is important to maintain supplies of authentic materials for conservation purposes and for maintaining local distinctiveness with new build. MPSI / Annex 3 on building and roofing stone would be an important addition to the NPPF.

There is also the issue of old minerals permissions and compensation. It would therefore be useful to retain the following based on MPS 14:

all old mineral planning permissions as defined by the Environment Act 1995 should be reviewed and modern conditions should be applied, where necessary, to ensure compliance with current environmental good practice and the policies relating to the historic environment in this NPS

Pat Aird
Head of National Planning Advice
English Heritage
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