



ENGLISH HERITAGE

Chris Kent
Planning Resources and Environment Policy
Communities and Local Government
Zone 1/A1 Eland House
Bressenden Place
London SW1E 5DU

28th May 2010

Dear Mr Kent,

CONSULTATION PAPER ON A NEW PLANNING POLICY STATEMENT: PLANNING FOR A HEALTHY AND NATURAL ENVIRONMENT. RESPONSE BY ENGLISH HERITAGE

Thank you for consulting English Heritage on the draft consultation paper on a new planning policy statement "Planning for a healthy and natural environment".

English Heritage is a non-departmental government body, which acts as the Government's lead advisory body for the historic environment and has a statutory role in the planning system. Central to our role is the advice we give to local planning authorities and government departments on development proposals affecting listed buildings, scheduled monuments, registered parks and gardens and conservation areas.

English Heritage does not wish this response to be treated as confidential.

Our responses to consultation questions relevant to our role are set out in detail below. Our "headline" comments on the draft are as follows:

- English Heritage has no "in principle" objection to the streamlining of policies by the draft document, but we consider that the draft requires considerably more work to make it wholly fit for purpose. We believe it would particularly benefit from further careful analysis of whether some policies could be integrated across the entire scope of the PPS and whether some further topic-specific policies are required. On this last point, we consider that certain important policy positions have been "lost" in the streamlining process, particularly in terms of the treatment of rural settlements and the built environment of the countryside and in terms of the urban/rural fringe.
- English Heritage believes that further emphasis on "landscape" is required in the document's title, in its statement of objectives and in its policies. Without this we believe it falls short of the requirements of the Florence Convention.
- English Heritage believes that the term "natural environment" used in the context of landscape considerations poses difficulties of interpretation, as

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landscapes are both cultural and natural. We consider that this needs to be addressed, not least by better cross-referencing of the draft PPS to PPS 5.

- We believe the scope/definition of the term "green infrastructure" in the draft PPS is too narrow, both because it neglects the importance of the historic environment component of GI and because it is often used in the draft solely in the context of community green space rather than both public and private green space.

Our more detailed observations are provided below:

Question 1. Do you support the consolidation and streamlining of policies on the natural environment, green infrastructure, open space, sport, recreation and play into a single planning policy statement?

English Heritage has no objection to the approach adopted in principle, but we do not consider that the current draft achieves this consolidation adequately.

Comment:

English Heritage understands the rationale behind the consolidation of the policies into a single document and would not oppose it in principle. However, in its current form, we do not consider the consolidated guidance to be particularly successful or helpful and could not offer it our support.

We would suggest that the PPS should acknowledge that, in some respects, the countryside, the urban/rural fringe, urban green space, recreational green space, and green infrastructure represent a continuum and that certain policies can be extended to all of these areas. At the same time, special considerations and policies will apply to certain parts of the spectrum (for example, National Park and AONB policies are wholly rural). As it stands, the draft does not achieve this clarity of expression. Unhelpful divisions between the "parent" documents remain apparent and the level of detail in the policies seems uneven in places.

Examples of the potential for further integration of the policies within the draft PPS is provided by:

- The focus of the Plan-Making Policies section on community green space could be extended to include other aspects of green infrastructure such as gardens, canals, roads and railway lines, etc.
- Policy NE1.1, which should also include green infrastructure.
- NE 4.1 (ii) /page 18 should include green infrastructure as well as natural habitats.
- Various references to "community green space" imported from PPG 17 that could be broadened to include all green space (including front and back gardens, roads and railway lines, etc.) as GI



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- Consideration should be given to updating the typology in Annex B (which is taken from PPG17) that currently relates only to public green space, so that it includes all green infrastructure, including private green space.

However, as a counterpoint to the point we make above, we also believe that the bringing together of the PPS appears to have resulted in the specific policy needs of certain areas being neglected, most notably the urban fringe and countryside. This is set out further in our response to question 2, below.

Question 2. Does the proposed PPS address sufficiently all the issues that planners and others face in relation to protecting the natural environment, delivering green infrastructure and other forms of open and green spaces, and land and facilities for sport, recreation and play?

English Heritage considers that some issues are not sufficiently addressed in the current draft and these are outlined below.

Comment:

English Heritage has a number of comments on issues that we feel are not adequately reflected in the current draft PPS.

1. We feel that the draft PPS requires far greater emphasis on both the concept of and importance of landscape, reflecting the UK's ratification of the Florence (European Landscape) Convention in 2006. This, we believe, should be given comparable weight in the draft to the importance of conserving and enhancing, biodiversity and natural resources in terms of the Development Management policies.

In particular, we would strongly recommend that early in the PPS text (in the Introduction and The Government's Objectives) there is:

- a reference to the coming into force in the UK of the European Landscape Convention;
- a reference to its definition of landscape, including its application to all landscapes and to urban, rural and maritime landscapes;
- an explicit recognition of the indivisible natural and cultural aspects of landscape, as confirmed by the ELC;
- a strong commitment to the need to protect, plan for and manage landscapes, as required by the ELC.

In a similar vein, English Heritage believes that "landscape" should be recognised in the title of the PPS, possibly as an alternative to "natural environment", alongside the more explicit term "biodiversity" (see our following points).

2. English Heritage is concerned that the administrative division between the subject matter of this draft PPS and that of PPS 5 (while necessary in terms of differing procedural considerations) is likely to have the unintentional

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consequence of implying a fundamental division between the historic and natural environment that does not exist “on the ground”. We therefore suggest that further consideration is given to avoiding this impression and recommend that this is achieved by introducing a very clear cross-reference to PPS 5 (as the document that provides the principal guidance on planning in relation to heritage assets within the wider landscape) at an early stage in the draft PPS. This would, we believe, make it clear that there is a reasonable degree of integration between the spatial planning policies for the natural environment, cultural heritage and landscape. In this context we would also point out that a reference to the ELC already exists in paragraph 1, footnote 1 of PPS 5, providing a reciprocal cross-reference to any that might be added to the draft PPS.

3. English Heritage has something of a difficulty with the term “natural environment” when it is applied to rural areas and green spaces that are self-evidently not “natural”. We do, however, recognize the currency and statutory weight of the term and we note that in statute the term does extend to include historic and cultural considerations (see the Explanatory Notes of the Natural Environment and Rural Communities Act 2006). If the use of the term is to persist in the final draft, we would suggest that the inclusion of “historic environment” within the statutory definition is made explicit by the use of a footnote and a glossary definition. In suggesting this amendment, we must stress that this is not purely an academic debating point or point of general interest. English Heritage often encounter operational difficulties with local authorities and various agencies taking a too-literal interpretation of the term “natural environment” when it is used instead of the term “environment” and we believe the draft risks exacerbating this trend and reinforcing rather than breaking down “silos”. We return to similar issues in comments below.

4. English Heritage recommends that the definition of green infrastructure should be amended to acknowledge that the historic environment is an important part of GI, from historic parks and gardens to archaeological sites; from urban open spaces, such as historic urban commons and village greens, to other open spaces within conservation areas and the wider historic landscape. Historic sites, spaces and routes already often form part of local GI strategies and there are numerous opportunities to preserve and enhance heritage assets through GI provision, which could be missed unless the PPS definition acknowledges this.

5. We also believe that the treatment of GI within the draft PPS should also extend (where appropriate) to private green space (such as gardens) as well as to community green space.

6. Given the importance of green infrastructure in terms of the urban historic environment, English Heritage recommends that the definition of GI in Annex A should include “preserving and, where appropriate, enhancing the historic environment” as a key function. We also recommend that Policy NE4 (iii) is amended to include reference to enhancing the historic environment of GI alongside its natural habitats.

7. English Heritage is particularly concerned that a combination of the process of bringing together various “parent” documents, together with the attempt to present open spaces as a seamless whole, has resulted in the omission of specific policies tailored to the needs of specific types of open space, most notably the countryside and the urban fringe.

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We understand that PPS 4 has effectively cancelled PPS 7 Objectives (i-iii) and paragraphs 1 (ii-iv), 2, 3, 4, 5, 6, 7, 16 (i-ii), 17, 18, 19, 30 (i-ii), 32, 34 (i-ii), 35, 36, 37, 38, 39, 40 and that the current draft PPS cancels policies on landscape protection, soil and agricultural land quality, and forestry (currently set out in paragraphs 21-23, 28-29 and 33). We also understand that PPS 7's housing policies are covered by PPS 3. This nevertheless results in some "orphan" references, the eventual location for which is unclear and which we are concerned may be omitted from the final PPS series. The most significant of these, in our view, are those that pertain to the built elements of the countryside and to the urban fringe.

The draft PPS has an unhelpful tendency to treat the countryside as if it were simply "open space" or the "natural environment" (see above). In particular, English Heritage considers that it underplays guidance on settlements in rural areas and the built environment aspects of the countryside. We do not consider that this issue is adequately covered within PPS 3, PPS 4 or PPS 5 and is in danger of "falling through the gap". Is it possible, for example, to point to a policy on the need for good quality new design in the countryside for developments which are not housing?

Amongst the helpful elements of PPS 7 which we consider to have become lost from the new PPS family are:

Key Principle (vi) of PPS 7: *All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.*

Paragraphs 12 and 13 of PPS 7 on "Design and the character of rural settlements"

12. Many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS1 and supported in By Design. Planning authorities should take a positive approach to innovative, high-quality contemporary designs that are sensitive to their immediate setting and help to make country towns and villages better places for people to live and work.

13. Local planning authorities should prepare policies and guidance that encourage good quality design throughout their rural areas, in accordance with Annex C to PPS1, and utilising tools such as Landscape Character Assessments and Village or Town Design Statements, and the design elements of Village or Parish Plans prepared by local communities.

Similarly, the key paragraph in PPS 7 on the countryside around urban areas is omitted:-

26. While the policies in PPG2 continue to apply in green belts, local planning authorities should ensure that planning policies in LDDs address the particular land use issues and opportunities to be found in the countryside around all urban



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areas, recognising its importance to those who live or work there, and also in providing the nearest and most accessible countryside to urban residents. Planning authorities should aim to secure environmental improvements and maximise a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses. This should include improvement of public access (e.g. through support for country parks and community forests) and facilitating the provision of appropriate sport and recreation facilities.

We believe that omission of the principles/policies contained in these “missing” passages is unhelpful and believe that a policy on the need for high design quality development, in keeping with the character of rural settlements, should be reinstated in the draft PPS.

8. CLG has recently put considerable effort into defining climate change policy with regard to the historic environment in PPS 5 (Policy HE1). It would be sensible for the draft PPS on the natural environment to mirror this, particularly its emphasis on resilience and balancing benefits and impacts.

9. English Heritage strongly recommends that policy NE 5.2 and NE 9 encourage or require local authorities to develop local maintenance standards for green spaces and their historic fabric and also to use planning obligations and conditions to secure enhancement. Maintenance standards are vital in keeping green spaces functional for public use, to avoid decline and anti-social behaviour, and to ensure they deliver appropriate functions as green infrastructure. As earlier local government performance indicators on green space have been deleted, the draft PPS represents the best tool for securing better maintenance.

10. We note the reference to the Government’s soil strategy in the Policy Discussion element of the draft PPS but can find little practical manifestation in the plan-making policies or Development Management policies of the need to protect soils as an important natural resource (and repository of archaeological evidence) as well as an agricultural resource. We believe this needs further examination.

11. We welcome the references to cultural heritage in Policy NE 8.5, but consider that cultural heritage should also merit “great weight” in AONBs, given that (a) it is recognized in statute as being an important component of the “natural beauty” of AONBs and (b) that Government has confirmed that National Parks and AONBs are landscapes of equal importance.

12. We welcome references in NE7.1 to protection of the undeveloped coast (including its cultural heritage) but would particularly welcome the same emphasis as the current PPS 20 policy, which requires development to be directed inland or to previously developed areas away from the undeveloped coast.

13. We believe the wording of NE9.4 (ii) could be improved, to make it clear that the reference to “traffic flows” relates to ambience, traffic noise, and public accessibility/permeability (e.g. how busy roads become barriers to open-space access for users like children and infirm people).

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14. English Heritage considers that policy NE 13.2(ii) should include a reference to protecting the historic environment, as this is a statutory purpose of the National Parks and an important aspect of AONB landscapes.

3. Do you agree with the requirement for local planning authorities to continue to produce, and keep up-to-date, open space strategies which are based on assessments of local need and audits of existing provision (NE1.3)?

English Heritage supports this requirement, but believes that strategies, assessments and audits need to consider all aspects of green infrastructure including public and privately owned green spaces.

4. We propose that local planning authorities should take a strategic approach to the delivery of green infrastructure (NE4), but not to produce and publish a formal strategy (although they can do so if they choose). Do you agree with this proposal?

AND

5. Do you agree that the proposed policy NE4 will deliver the Government's objectives without imposing any significant new burdens?

English Heritage is supportive of the proposed strategic approach to the delivery of green infrastructure, but is concerned that the optional approach to the production of

strategies may undermine the gains that have been made by local authorities in the implementation of the PPG 17 requirement to do so. We understand that nationally over 95% of local authorities now have a strategy in place or are producing one. Given the level of investment made to achieve this degree of compliance with PPG 17, we would recommend retention of the requirement to produce and publish a strategy.

6. The amended wording of planning policy relating to the floodlighting of sports and recreational facilities (NE11) makes it clear to local planning authorities that they should balance the impacts on amenity and biodiversity against the wider benefits to the community in terms of health and wellbeing and the additional provision of facilities. Do you agree with this proposal?

English Heritage agrees with this proposal.

7. Do you agree that the proposed policy NE11 will deliver the Government's objectives without imposing any significant new burdens?

We have no comments to offer as this lies outside our technical competence

8. Do you agree with the conclusions of the consultation stage impact assessment?

We have no comments to offer as this lies outside our technical competence



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9. Do you think that the policies in this proposed PPS will have different impacts, 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 equality and diversity matters.

We have no comments to offer as this lies outside our technical competence

Question 10. Do you have any additional comments to make on this proposed PPS?

English Heritage has the following additional comments.

1. In addition to our earlier comments about the term “natural environment” we find the use in the title of the term “healthy environment” somewhat ambivalent in terms of whether it relates to public or environmental health.
2. The terms “conservation” and “restoration” are used in Policy NE3 but no definition is provided in the draft PPS. It would be helpful if “conservation” could adopt the same definition as that given in the glossary of PPS 5 and if a definition of “restoration” consonant with its use in the PPS Practice Guide could be adopted.
3. We suggest that policy NE6.1 should refer to ‘public rights of way’ as there are all other sorts of rights of way.
4. Some sports facilities (buildings and grounds) are of considerable historic interest and English Heritage would like to see policy NE10 applying to all sports facilities as well as playing fields.

We hope these comments are helpful and would be delighted to discuss them further with CLG, if this would be of assistance.

Yours sincerely,



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