



PLANNING PRACTICE GUIDANCE (PPG): HISTORIC ENVIRONMENT HISTORIC ENGLAND BRIEFING

Context

- The Government published an updated *Historic Environment* section of the Planning Practice Guidance (PPG) on 23 July to reflect the changes made to the *National Planning Policy Framework* (NPPF) since the 2012 edition.
- A large number of other sections of the PPG have also been updated, but this briefing focuses on the main changes made in the Historic Environment section (previously *Conserving and Enhancing the Historic Environment*), structured by PPG section.

Overview

- The majority of the PPG text is unchanged.
- The more significant changes include:
 - Clarity regarding the definition of heritage assets (they are now clearly classified as either designated or non-designated, which provides greater certainty as to the NPPF policy to be applied), and how they are identified (the ways in which non-designated heritage assets can be identified now specifically include neighbourhood plans and neighbourhood planning bodies).
 - Greater discussion of the nature of harm, including clarity regarding total loss, how harm should be articulated, and more information on assessing potential harm to conservation areas.
 - Additional text on the assessment by applicants of significance and the impact of proposals on that significance.
 - Reinstatement of the definitions of the ‘four interests’ (originally set out in *Planning Policy Statement 5* (2010)).
 - Clarification of the ‘where appropriate’ provision in the NPPF, in relation to optimum viable use.
 - Clarity regarding the status of World Heritage Site buffer zones as part of setting, and the related consultation requirements.
 - Wherever there is discussion of particular types of designated heritage asset, the coverage has been extended to cover all such asset types.
- There has also been some reordering, there are fewer uses of ‘should’, and references are now generally made throughout to the ‘development plan’ rather than ‘local plans’, and to ‘plans’ or ‘plan-making bodies’ rather than ‘local authorities’.
- There is now more reference to Historic England advice, where relevant.

OVERVIEW: HISTORIC ENVIRONMENT

What is the policy for the historic environment?

- The old introductory text – which largely repeated NPPF content – has been deleted.

What is the main legislative framework for the historic environment?

Paragraph: 001 Reference ID: 18a-001-20190723

- The *Town and Country Planning Act 1990* is no longer distinguished as the ‘normal’ planning framework.
- The list of relevant legislation now includes the *Historic Buildings and Ancient Monuments Act 1953* (which makes provision for the compilation of the battlefields and historic parks and gardens registers), as well as the UNESCO convention under which World Heritage Sites are inscribed.

- Clarification has been added that any decisions where listed buildings (and their settings) and conservation areas 'are a factor' must address the relevant statutory considerations.

What is meant by the conservation and enhancement of the historic environment?

Paragraph: 002 Reference ID: 18a-002-20190723

- The introductory paragraph referring to (former) NPPF text has been deleted.
- Text has been added to emphasise that on-going management remains important for archaeological sites.
- The relevance of the NPPF to both applications for planning permission and listed building consent has been clearly stated.
- It has been clarified that heritage assets are either designated heritage assets or non-designated heritage assets.
- Text has been added to confirm that 'the ability to record evidence of our past should not be a factor' in deciding whether complete or partial loss should be permitted.

PLAN MAKING: HISTORIC ENVIRONMENT

What is a positive strategy for conservation and enjoyment of the historic environment?

Paragraph: 003 Reference ID: 18a-003-20190723

- 'Plans' (at all levels) should set out a positive strategy.
- Reference to strategies recognising that 'conservation is not a passive exercise' has been deleted.
- Reference to the conservation and enhancement of heritage assets 'including their setting' has been added.
- The text now refers to the 'delivery of development that will make a positive contribution to, or better reveal the significance of, the heritage asset...', rather than just development 'within their settings'.
- Additional reference is now made to such development reflecting and enhancing 'local character and distinctiveness with particular regard given to the prevailing styles of design and use of materials in a local area'.

What is an appropriate evidence base for plan-making?

Paragraph: 004 Reference ID: 18a-004-20190723

- A cross-reference to the plan-making section of the PPG has been added.

How can heritage issues be addressed in neighbourhood plans?

Paragraph: 005 Reference ID: 18a-005-20190723

- Reference is now made to the value of both designated and non-designated heritage assets being identified at the start of the plan-making process so they can be appropriately taken into account (and the former reference to 'local non-designated heritage assets including sites of archaeological interest' deleted).
- Reference is then made solely to the historic environment record as a useful source of information.
- Local planning authority heritage advisers 'can' (rather than 'should be able to') advise on local heritage issues.

DECISION-MAKING: HISTORIC ENVIRONMENT

What is 'significance'?

Paragraph: 006 Reference ID: 18a-006-20190723

- The NPPF definition of significance has been added.
- Clarification is added that, 'in the planning context', heritage interest may be archaeological, architectural, artistic or historic, and definitions of each included:

- Archaeological interest: as per the current NPPF glossary definition (and therefore shorter than the original definition in *Planning Policy Statement (PPS) 5: Planning for the Historic Environment*).
- Architectural and artistic interest: as per the original PPS5 definition.
- Historic interest: as per the original definition in PPS5, though without the reference to 'emotional' meaning.
- Clarification has been added that, in legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, 'in planning terms', is referred to as the identified heritage asset's significance.
- Reference to some of the more recent designation records being 'more helpful as they contain a fuller, although not exhaustive, explanation of the significance of the asset' has been deleted.

Why is 'significance' important in decision-making?

Paragraph: 007 Reference ID: 18a-007-20190723

- The cross-reference within the PPG has been updated.

How can proposals avoid or minimise harm to the significance of a heritage asset?

Paragraph: 008 Reference ID: 18a-008-20190723

- Increased emphasis is now placed on early consideration of significance in the development of proposals.
- Additional reference to analysis is also made: analysis 'can generate a clear understanding of the affected asset, the heritage interests represented in it, and their relative importance', and 'appraisals or investigations' are now referred to, instead of 'studies'.
- There is additional reference to conservation of heritage assets alongside the reference to the delivery of public benefits.
- Reference is added to Historic England's *Good Practice Advice note 2: Managing Significance in Decision-Taking in the Historic Environment*.

What assessment of the impact of proposals on the significance of affected heritage assets should be included in an application?

Paragraph: 009 Reference ID: 18a-009-20190723

- New text has been added which clarifies expectations of applicants with regard to paragraph 189 of the NPPF, and the description of significance (this reflects the Government's commitment following the consultation on the 2018 NPPF: 'We note the concerns about clarifying the policy approach to the assessment of the impact of proposed development on the significance of heritage assets and we will consider this issue further in revising national planning guidance').
- Applicants 'should include analysis of the significance of the asset and its setting, and, where relevant, how this has informed the development of the proposals'.

Where can local planning authorities get help to assess the significance of heritage assets?

Paragraph: 010 Reference ID: 18a-010-20190723

- The list of information sources now includes the applicant.
- The list of sources of advice now includes 'other national and local organisations with relevant expertise'.

What is a historic environment record?

Paragraph: 011 Reference ID: 18a-011-20190723

How do Design and Access Statement requirements relate to heritage assessments?

Paragraph: 012 Reference ID: 18a-012-20190723

- These sections are effectively unchanged.

What is the setting of a heritage asset and how can it be taken into account?

Paragraph: 013 Reference ID: 18a-013-20190723

- The text has been reordered.
- The NPPF definition of setting is linked to but not repeated; the reference to assessments of the impact on setting needing to take into account, and be proportionate to, the significance of the heritage asset has been deleted.
- The explanation of the relationship between setting and curtilage is reframed.
- The explanation of the extent and importance of setting is developed with regard to the role of the 'visual relationship' and 'visual/physical considerations', the assessment of impacts, and the addition of reference to 'smell'.
- The contribution that setting makes to the significance of the heritage asset now omits the reference to variation 'according to circumstance'.

Should the deteriorated state of a heritage asset be taken into account in reaching a decision on an application?

Paragraph: 014 Reference ID: 18a-014-20190723

- Reference has been added to local planning authorities disregarding the deliberately deteriorated state of heritage assets 'in any decision'.

What is the optimum viable use for a heritage asset and how is it taken into account in planning decisions?

Paragraph: 015 Reference ID: 18a-015-20190723

- The section title now refers to 'the optimum viable use' for a heritage asset, rather than 'a viable use'.
- 'It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses' has been replaced by 'a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset'.
- 'Economically' has been added to the phrase 'if there is a range of alternative viable uses'; in the phrase 'the optimum viable use may not necessarily be the most profitable one', 'most profitable one' has been replaced by 'most economically viable one'; and 'if from a conservation point of view there is no real difference between viable uses' now reads 'if from a conservation point of view there is no real difference between alternative economically viable uses'. The text relating to the original use is reduced in consequence.
- The need for the necessary consents is now emphasised in relation to the text about the choice of use being a decision for the owner.

When is securing a heritage asset's optimum viable use appropriate in planning terms?

Paragraph: 016 Reference ID: 18a-016-20190723

- A new section has been added which clarifies the reference to 'where appropriate' in NPPF paragraph 196 (added in 2018): this reflects another commitment made in the Government's response to the NPPF consultation.
- Specifically, the new text confirms that 'area-based' designated heritage assets such as World Heritage Sites and conservation areas 'will not themselves have a single use (though any individual heritage assets within them may). Therefore, securing the optimum viable use of the area-based asset as a whole is not a relevant consideration in assessing the public benefits of development proposals affecting such heritage assets. However, securing the optimum viable use of any individual heritage assets within the area-based designated heritage asset may still be a relevant consideration'.

What evidence is needed to demonstrate that there is no viable use?

Paragraph: 017 Reference ID: 18a-017-20190723

- 'Appropriate marketing is required to demonstrate the redundancy of a heritage asset' has been replaced by 'appropriate marketing is required to demonstrate that a heritage asset has no viable use'.

- The text no longer refers to 'all' potential buyers, and adds reference to 'viable' use.
- 'Redundancy will not have been demonstrated' has been replaced by 'it will not have been demonstrated that the heritage asset has no viable use'.

How can the possibility of harm to a heritage asset be assessed?

Paragraph: 018 Reference ID: 18a-018-20190723

- This section was previously entitled 'How to assess if there is substantial harm?'.
- The text has been extended and reordered to provide further guidance on the issue of harm.
- Text has been added which explores the full range of harm, from none/enhancement to substantial, and explains that 'where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the [NPPF] apply'.
- Further text is added which confirms that 'Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated'.
- The text relating to 'later inappropriate additions' has been reframed.
- 'However, even minor works have the potential to cause substantial harm' has been extended, with the addition of 'depending on the nature of their impact on the asset and its setting'.
- Additional text has been added which reflects paragraphs 193-194 of the NPPF (regarding consideration of the impact of proposed development on the significance of a designated heritage asset).

How can the possibility of harm to conservation areas be assessed?

Paragraph: 019 Reference ID: 18a-019-20190723

- This section was previously entitled 'What about harm in relation to conservation areas?'.
- The section now starts with a cross-reference to the NPPF.
- The following sentence has been added: 'Loss of a building within a conservation area may alternatively amount to less than substantial harm under paragraph 196'.
- A further sentence has been added to clarify the application of the guidance to conservation area elements other than buildings: 'The same principles apply in respect of other elements which make a positive contribution to the significance of the conservation area, such as open spaces'.

What is meant by the term public benefits?

Paragraph: 020 Reference ID: 18a-020-20190723

- The section now restates the relevant context, namely the NPPF requirement for any harm to designated heritage assets to be weighed against the public benefits of the proposal.
- Clarification is provided regarding the way in which works to listed private dwellings may be considered.
- 'Public benefits may include heritage benefits, such as' has been rephrased as 'examples of heritage benefits may include'.

How can Neighbourhood Development Orders and Community Right to Build Orders take account of heritage issues?

Paragraph: 021 Reference ID: 18a-021-20190723

- The title has been slightly amended (it was previously 'How should Neighbourhood Development Orders and Community Right to Build Orders take account of heritage conservation?').
- 'Should' be granted is now 'may' be granted.

DESIGNATED HERITAGE ASSETS

How do heritage assets become designated?

Paragraph: 022 Reference ID: 18a-022-20190723

- Reference is now made to DCMS being advised by Historic England on the identification and designation of listed buildings, scheduled monuments and protected wreck sites.

What are the different types of designated heritage assets?

Paragraph: 023 Reference ID: 18a-023-20190723

- This section incorporates the old ‘What is a listed building?’ and ‘What is a conservation area?’ sections, and extends the coverage to include other designated heritage assets (scheduled monuments, protected wreck sites, registered parks or gardens, registered battlefields, and World Heritage Sites have all been added).

What do local planning authorities need to consider before designating new conservation areas?

Paragraph: 024 Reference ID: 18a-024-20190723

- Text has been added to confirm that undertaking a conservation area appraisal may help a local planning authority to make a judgment on the special architectural or historic interest of potential conservation areas.
- A reference has been added to the further advice available on Historic England’s website.

Do local planning authorities need to review conservation areas?

Paragraph: 025 Reference ID: 18a-025-20190723

- Reference has been added to the value of conservation area appraisals for all plan-making bodies to develop appropriate policies for plans.

How are World Heritage Sites protected and managed in England?

Paragraph: 026 Reference ID: 18a-026-20190723

- Clarification is added that the Outstanding Universal Value of a World Heritage Site, should also be taken into account by the relevant authorities in determining scheduled monument consent applications, and ‘where relevant’ by the Secretary of State.

How is the importance of World Heritage Sites reflected in the National Planning Policy Framework?

Paragraph: 027 Reference ID: 18a-027-20190723

Further guidance on World Heritage Sites

Why are World Heritage Sites important?

Paragraph: 028 Reference ID: 18a-028-20190723

How is the importance of each Site recognised internationally?

Paragraph: 029 Reference ID: 18a-029-20190723

How many World Heritage Sites are there and where are they?

Paragraph: 030 Reference ID: 18a-030-20190723

How does the terminology used by UNESCO relate to the policies of the National Planning Policy Framework?

Paragraph: 031 Reference ID: 18a-031-20190723

- These sections are effectively unchanged.

What principles need to be considered in developing a positive strategy for the conservation and enjoyment of World Heritage Sites?

Paragraph: 032 Reference ID: 18a-032-20190723

- There are minor wording changes to the title and phrasing of this section.
- The responsibilities of local planning authorities are clarified (‘Local planning authorities whose area covers either the World Heritage Site itself or all or part of its setting’ need to take these principles and the resultant policies into account when making decisions ‘on applications’).

How is the setting of a World Heritage Site protected?

Paragraph: 033 Reference ID: 18a-033-20190723

- Reference is added to the protection of specific views and viewpoints ‘both from and to the site’.

What are World Heritage Site management plans?

Paragraph: 034 Reference ID: 18a-034-20190723

- Steering Groups are now described as ‘including’ (and therefore not limited to) key representatives from a range of national and local bodies.
- Relevant management plan policies need to be taken into account ‘in preparing development plans’ (rather than in developing ‘strategy’).

What approach can be taken to assessing the impact of development on World Heritage Sites?

Paragraph: 035 Reference ID: 18a-035-20190723

- The title has been amended to read ‘can’ rather than ‘should’.
- The text now clarifies that buffer zones are part of the setting to World Heritage Sites.
- Reference is now made to ‘potential’ impact.

What consultation is required in relation to proposals that affect a World Heritage Site?

Paragraph: 036 Reference ID: 18a-036-20190723

- The correct title is given for the Operational Guidelines, and clarification provided that it is the World Heritage Committee which is to be informed of relevant proposals.
- The request for early consultation now also states ‘about any development proposals which may affect a World Heritage Site or its setting (including any buffer zone or its equivalent)’. Further text is added: ‘It would also be helpful if local planning authorities inform World Heritage Site Steering Groups of development proposals which would have an adverse impact on the Outstanding Universal Value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or its equivalent and consult them during the application process’.

Are permitted development rights restricted in World Heritage Sites?

Paragraph: 037 Reference ID: 18a-037-20190723

Where can I find further information about World Heritage Sites?

Paragraph: 038 Reference ID: 18a-038-20190723

- These sections are effectively unchanged.

NON-DESIGNATED HERITAGE ASSETS

What are non-designated heritage assets?

Paragraph: 039 Reference ID: 18a-039-20190723

- The title has been amended from ‘What are non-designated heritage assets and how important are they?’.
- The statement that ‘Local planning authorities may identify non-designated heritage assets’ has been deleted; instead, it is clarified that they may be identified by ‘plan-making bodies’.
- It is further clarified that they merit consideration in planning decisions but ‘do not meet the criteria for designated heritage assets’.
- The reference to some non-designated heritage assets being identified in some areas as ‘locally listed’ has been deleted (though reference to local lists now appears in paragraph 40 – see below).
- ‘Only a minority have enough heritage interest for their significance to be a material consideration in the planning process’ has been changed to ‘Only a minority have enough heritage significance to merit identification as non-designated heritage assets’.

How are non-designated heritage assets identified?

Paragraph: 040 Reference ID: 18a-040-20190723

- This section, and related predecessors, have been substantially rewritten to clarify the interpretation and application of NPPF policy in respect of non-designated heritage assets.
- Text is added to confirm that there are a number of processes through which non-designated heritage assets may be identified (including through local and neighbourhood plan preparation, conservation area appraisals and reviews, the decision-making process on planning applications, and by neighbourhood planning bodies).
- Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.
- Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers (including on the selection criteria used, and on the location of existing assets). Local planning authorities are encouraged to keep a 'local list of non-designated heritage assets' (no longer described as being 'incorporated into Local Plans'), and ensure that up to date information about non-designated heritage assets is included in the local historic environment record.
- Reference is made to Historic England's advice on local lists.
- Plans can usefully note areas with potential for the discovery of non-designated heritage assets with archaeological interest; the duplicated reference to the application of DCMS's scheduling criteria is deleted (see paragraph 41, below).

What are non-designated heritage assets of archaeological interest and how important are they?

Paragraph: 041 Reference ID: 18a-041-20190723

- The term non-designated heritage assets is now used throughout.
- Clarification that it is the DCMS Secretary of State who has responsibility for scheduling; reference to assets being 'given the appropriate level of protection under national planning policy' is no longer included in the discussion of the Secretary of State's discretion not to designate.

HERITAGE CONSENT PROCESSES

Is listed building consent the same as planning permission?

Paragraph: 042 Reference ID: 18a-042-20190723

- There has been some minor rephrasing around whether one, both, or neither will be needed (drawing on text previously in paragraph 43, below).

When is an application for planning permission required to carry out works to a listed building?

Paragraph: 043 Reference ID: 18a-043-20190723

- Text has been reinstated which clarifies that 'an application for planning permission is not required if the works would normally be permitted development, there are no restrictions on the permitted development rights in respect of listed buildings and the permitted development rights have not been removed locally'.
- Text covering the topic addressed in paragraph 42, above, has been deleted from this paragraph.

When is listed building consent required?

Paragraph: 044 Reference ID: 18a-044-20190723

- The duplicate reference to the criminal offence of not having listed building consent where needed is removed.
- The text now states that listing status 'may' cover objects fixed to the building 'and also curtilage buildings or other structures'.

What is a Listed Building Heritage Partnership Agreement?

Paragraph: 045 Reference ID: 18a-045-20190723

How long will a Listed Building Heritage Partnership Agreement last?

Paragraph: 046 Reference ID: 18a-046-20190723

What procedures does a local planning authority need to follow for a Listed Building Heritage Partnership Agreement?

Paragraph: 047 Reference ID: 18a-047-20190723

What is a Local Listed Building Consent Order?

Paragraph: 048 Reference ID: 18a-048-20190723

- These sections are effectively unchanged.

How long will a Local Listed Building Consent Order last?

Paragraph: 049 Reference ID: 18a-049-20190723

- The text now clarifies that it may be expedient to set a time limit for the Order ‘in each individual case’.

What procedures does a local planning authority need to follow when making a Local Listed Building Consent Order?

Paragraph: 050 Reference ID: 18a-050-20190723

What is the difference between a Listed Building Heritage Partnership Agreement and a Local Listed Building Consent Order?

Paragraph: 051 Reference ID: 18a-051-20190723

- These sections are effectively unchanged.

What is a Listed Building Consent Order?

Paragraph: 052 Reference ID: 18a-052-20190723

- The text has been amended to clarify that LBCOs are the responsibility of the Secretary of State for Housing, Communities and Local Government.

What is a Certificate of Lawfulness of Proposed Works?

Paragraph: 053 Reference ID: 18a-053-20190723

Is it necessary to apply for a Certificate of Lawfulness of Proposed Works before carrying out minor works to a listed building?

Paragraph: 054 Reference ID: 18a-054-20190723

Is an application for planning permission required to carry out works to an unlisted building in a conservation area?

Paragraph: 055 Reference ID: 18a-055-20190723

- These sections are effectively unchanged.

What permissions/consents are needed for works to scheduled monuments and protected wreck sites?

Paragraph: 056 Reference ID: 18a-056-20190723

- Text has been added confirming that ‘To undertake works without first obtaining a consent/licence where it is needed is a criminal offence. It is recommended therefore, that those intending to carry out works to these types of heritage asset contact Historic England at an early stage to confirm whether a consent/licence is needed’.

What permissions/consents are needed for registered parks and gardens, and registered battlefields?

Paragraph: 057 Reference ID: 18a-057-20190723

- The title has been amended to refer to ‘registered’.
- Text has been added to confirm that ‘local planning authorities may also consult other organisations that they consider may have a particular interest in the proposed development. In this respect, local authorities may wish to consider consulting the Battlefields Trust in relation to applications affecting registered battlefields’.

CONSULTATION AND NOTIFICATION REQUIREMENTS FOR HERITAGE RELATED APPLICATIONS

When must local planning authorities consult or notify other organisations about heritage related applications?

Paragraph: 058 Reference ID: 18a-058-20190723

- Text has been added to signpost the further information in the next section.

When does Historic England need to be consulted or notified on applications for planning permission and listed building consent?

Paragraph: 059 Reference ID: 18a-059-20190723

When do National Amenity Societies need to be notified of listed building consent applications?

Paragraph: 060 Reference ID: 18a-060-20190723

When does The Gardens Trust (formerly known as The Garden History Society) need to be consulted on applications for planning permission?

Paragraph: 061 Reference ID: 18a-061-20190723

When must local planning authorities notify the Secretary of State for Housing, Communities and Local Government on heritage applications?

Paragraph: 062 Reference ID: 18a-062-20190723

Are applications where the applicant is Historic England or a local planning authority treated differently?

Paragraph: 063 Reference ID: 18a-063-20190723

Where should applications which need to be referred to Secretary of State for Housing, Communities and Local Government be sent?

Paragraph: 064 Reference ID: 18a-064-20190723

Table 1: Applications for planning permission: requirements to consult or notify Historic England

Paragraph: 065 Reference ID: 18a-065-20190723

Table 2: Applications for listed building consent: requirements to notify Historic England

Paragraph: 066 Reference ID: 18a-066-20190723

Table 3: Applications for listed building consent: requirements to notify the National Amenity Societies

Paragraph: 067 Reference ID: 18a-067-20190723

Table 4: Applications for planning permission: requirements to consult The Gardens Trust (formerly known as The Garden History Society)

Paragraph: 068 Reference ID: 18a-068-20190723

Table 5: Applications for planning permission and listed building consent: requirements to notify the Secretary of State for Housing, Communities and Local Government

Paragraph: 069 Reference ID: 18a-069-20190723

- These sections are effectively unchanged.

Table 6: Applications for listed building consent and planning permission for demolition of an unlisted building in a conservation area from Historic England and local planning authorities: requirement to refer to the Secretary of State for Housing, Communities and Local Government

Paragraph: 070 Reference ID: 18a-070-20190723

- The 'broad requirements' are now 'To refer applications for Secretary of State's determination; instead of 'To refer for determination applications'.

Further information on heritage and planning issues

Paragraph: 071 Reference ID: 18a-071-20190723

- This section is effectively unchanged.

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