

## DRAFT BUCKINGHAMSHIRE COUNTY COUNCIL PPS 15 CONSULTATION RESPONSE

*Suggested responses in italics*

Questions on which we would particularly like your views:

1. Does the PPS strike the right balance between advocating the conservation of what is important and enabling change?  
*Broadly yes, although it is hard to be certain how the new terminology of 'significance' will work out in practice and see comments on climate change below. We are concerned that HE 9.7 gives no indication as to the weight to be given to private benefits when deciding whether harmful development should be permitted. We are also concerned that the emphasis on 'assets' with specific 'interests' could be too reductive to adequately capture sense of place - we therefore suggest that HE9.6 be revised to state that Design and Access Statements should take account of the historic character of the locality, and that this should be given particular weight where development lies within, or affects the setting of, a protected landscape, conservation area, or other designated heritage asset.*
2. By adopting a single spectrum approach to historic assets, does the PPS take proper account of any differences between types of asset (eg. are archaeological assets adequately covered)?  
*No, the emphasis on use under HE9.8 could be a problem for archaeological sites (including ruins). The location of such assets within 'green infrastructure' could be encouraged to enable their retention within a socially useful land use.*
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, there is insufficient indication on how historic landscape character (as opposed to individual component assets) ought to be addressed and the weight to be accorded to it in different locations. We suggest that whilst desirable regional level characterisation (HE2.1) will be too high level for many purposes and should occur also at local level in HE3. HE2 and HE3 should also enjoin plan-making bodies to ensure that the historic environment informs Landscape Character Assessment and that especial weight should be given to conserving the historic character of protected landscapes. Reference could also be made in HE10.4 and 10.5 to historic assets and the character of protected landscapes. Such changes would need to be followed through in the Practice Guide.*
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?  
*Yes, we support the general approach of the PPS.*
5. Do you agree that it is the "significance" of a historic asset that we are trying to conserve?  
*Yes, we believe the approach is essentially correct. However, there are concerns that this could lead to dangerously reductive analyses, especially with respect to landscapes or townscape. We need to beware of 'not seeing the wood for the trees' by losing the concept of historic character. There is a concern that English Heritage's Conservation Principles uses a values-based terminology, which is different to the interest-based terminology used in the PPS and could lead to confusion – this apparent discrepancy needs to be clarified..*
6. Does the PPS comply with devolutionary principles with regard to what is expected at regional and local levels?

*Our main concern is the lack of indication in the PPS or the Practice Guide as to where responsibilities for specialist historic environment services lie within 2-tier local government. For example, it seems to be assumed that upper tier authorities will operate and fully fund HER, despite the fact that most of the plan-making and development control decisions they inform reside at district level. Similarly, archaeological advice usually resides at the upper-tier, again often without SLA funding from the main recipient authorities of that advice. Clear guidance is urgently required if implementation is not to be marred by unhelpful differences of opinion between the tiers.*

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?

*This is not at all clear. Changes which do not harm an asset's significance should be encouraged but for designated assets we suggest that there should normally be a presumption against harmful changes. Weight should be given to the carbon cost of demolition and replacement of an historic building compared to its retention and modification. Regularly updated technical guidance on best practice will be important in this rapidly changing field.*

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?

*Broadly yes but:*

*We think HE9.7 needs clarification with respect to the weight to be given to private benefits.*

*We presume only one of the three tests set out in HE9.8 needs to be met but this could be made explicit. We suggest that HE9.8(ii) could explicitly refer to testing whether preservation of an historic asset can be achieved within the development (e.g. for archaeology in green spaces or, for buried remains, underneath new-build).*

*Under HE3 or HE4 we would welcome reference to the historic environment being a key component of green infrastructure and tourism policies and strategies.*

*We believe that HE13.1 is fundamentally incorrectly worded. If the ability to record evidence is not a factor in deciding whether consent should be given if an asset is to be destroyed then, following DOE circular 11/95, a recording condition could be held to fail the 'need' test. We also believe recording can be justified where harm short of outright destruction is to occur (or we risk repeating Shimizu-like debates in a new arena). We suggest instead that the second sentence be revised to read: 'Consent should not therefore be granted for development that would harm a heritage asset simply because a record could be made.'*

*HE13.3 In the final sentence the words 'Where appropriate' imply there are situations where a condition might not be needed – we do not agree and suggest these two words are deleted. We also suggest that in practice fieldwork and post-excavation analysis and publication could take place alongside development. We therefore suggest the following amended wording: 'Local planning authorities should impose planning conditions or obligations to ensure such work is carried out to an appropriate standard and timetable.' A recommended condition would be helpful - this could be based on the model condition on PPG16 but we suggest that to give greater force to the requirement for publication the new model condition includes a specific timeframe for completion which can only be varied with the written consent of the LPA.*

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.)

*BCC supports the principle of well-informed evidence-based planning and therefore the greater emphasis given to Historic Environment Records (subject to concerns over resourcing – see Q11 below) and the need for developers to properly assess how heritage assets may be affected by their proposals, and identify appropriate design or mitigation response. However, whilst it is desirable that agreement should be reached on such matters before planning applications are submitted this will not always be achievable. We suggest that the practical meaning and wording need further consideration as follows;*

*HE7.2 – Hidden aspects of heritage, including but not exclusively buried archaeological remains, will not always be recorded at this stage (as is recognised in HE1.2 and 1.3). Also, the new holistic approach seems to get forgotten at this point. We suggest that the first sentence be reworded along the lines ‘Where a development site has clearly defined potential to include heritage assets but the location, interest or significance of those assets is inadequately understood, local planning authorities ... etc’. The basis for such judgments of potential could be expanded in the Practice Guide. The final sentence is supported but could be strengthened to say ‘ The scope of such assessments and evaluations should be agreed with the local authority in advance and a copy of the resultant reports deposited in the relevant historic environment record.’*

*HE7.1 and HE8.1- there is a question over how applicants establish whether a heritage asset is likely to be affected. We suggest that this should involve consultation of the historic environment record but that some sieving mechanism will be necessary to avoid HER’s being overwhelmed by a requirement to supply information for every planning application. This topic ought to be covered in the Practice Guide. A decision-making flow-chart would be helpful*

*HE8.3 - It is not realistic to depend solely on planning staff to judge the adequacy of technical historic environment assessments and evaluations whilst depending on expert assessment for validation would incur delays. Thus whilst we agree that clearly inadequately documented applications should not be validated there needs to be provision for the LPA to ask for further information after validation, and to refuse the application if this is not provided.*

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, the PPS largely uses the philosophy and terminology of the draft heritage protection bill but perforce has to refer to existing heritage designations. It would be desirable to bring forward the new bill and review the PPS if new legislation is enacted.*

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, the cost of developing fully holistic integrated HER’s is not realistic. Information content needs to be enhanced, consultation demands will increase*

*and, for 2-tier authorities, shared IT networks and additional licences will be required. Even allowing for increased fee income we estimate the additional cost to Buckinghamshire's local authorities at c£60,000 set-up costs and c£10,000 per annum running costs. In practice we believe these costs could be spread over a several year transitional period. The government should look again at its cost assessment and make adequate financial provision for local government.*

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.
- No.

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