

## PLANNING POLICY STATEMENT 15: CONSULTATION

To: Bucks Historic Environment Forum

Date: 30<sup>th</sup> September 2009

Author: Report by the County Archaeologist

### A. PURPOSE OF THE REPORT

- 1 To advise on the 'Consultation paper on a new Planning Policy Statement 15: Planning for the Historic Environment', consider its principal implications for Buckinghamshire, and recommend a response.

### B. PROPOSED ACTION

#### 2 The Forum is invited to:

- a) **COMMENT on matters of interest and concern;**
- b) **AUTHORISE the chairman to submit comments to DCLG and English Heritage reflecting the Forum's interests and concerns**

### C. BACKGROUND

- 11 After a long period of consultations on heritage protection reform stretching back to 2000 the government published a white paper *Heritage Protection for the 21<sup>st</sup> Century* in March 2007. A Draft Heritage Protection Bill was published in April 2008 but has not as yet secured parliamentary time. In the meantime, DCLG, DCMS and English Heritage have indicated that they will take forward those elements of the reform which do not require primary legislation whilst future legislation will address those elements of the reform package which require it. The proposed new Planning Policy Statement is a key element of the non-statutory reforms. It is accompanied by a draft Practice Guide issued by English Heritage. The consultation runs until 30<sup>th</sup> October 2009. It is understood that the PPS will be published in spring 2010.
- 12 Planning Policy Statement 15 would replace the old Planning Policy Guidance 15 (Planning and the Historic Environment) (1995) and 16 (Archaeology and Planning) (1990). The new PPS forms part of a suite of planning policy documents heralded in the planning white paper *Planning for a Sustainable Future* which aim to provide a more strategic and clearly focussed national policy framework. Its key features are:
  - i. Updates policy to reflect changes to the planning system
  - ii. Separates policy (in the PPS) from guidance set out in an accompanying English Heritage Practice Guide

- iii. Reflects an holistic approach to the historic environment emerging from the consultation process encompassing any building, monument, site or landscape of historic, archaeological, architectural or artistic interest, whether designated or not.
- iv. An emphasis on recognising and protecting what is deemed 'significant' about heritage assets, retaining existing levels of protection, and clarify the scope of matters covered in some areas (e.g. treatment of unlisted historic buildings, publication of archaeological investigation reports). Developers will be expected to assess 'significance' before submitting applications.
- v. Envisages a central role for local historic environment records providing the evidence-base for recognising significant heritage assets, and an expectation that all local planning authorities should maintain or have access to such a record.
- vi. Places greater emphasis on locally significant assets and consulting the local community.
- vii. Aims for closer integration with other objectives of the planning system; notably place-shaping, economic regeneration and addressing climate change.

The full text and supporting documentation can be accessed via:  
<http://www.english-heritage.org.uk/server/show/nav.21135>

- 6 DCLG identifies additional costs of c£90,000 p.a. for local authorities in relation to the creation and updating of additional HER records and c£3.35m p.a. for developers/owners in relation to recording historic buildings. However, DCLG off-set these increased costs against anticipated efficiency savings of c£3.52m p.a. for local authorities in the processing of applications. The net impact is therefore presented as cost-neutral – however for comment see 10 below.
- 7 DCLG list twelve questions on which the government would particularly like views (see appendix).

#### D. ISSUES AND IMPLICATIONS

- 8 National reaction: Initial reactions to the draft PPS have been varied. In general, archaeologists have seen it as a positive statement which builds upon the sound foundation of practice built up under PPG16 whilst providing greater opportunities for 'joined-up thinking' with built conservation and closing loopholes arising from ambiguous wording in PPG16 (e.g. over publication). Particularly welcome is the recognition given to local historic environment records, a concept which has evolved from the success of archaeological sites and monuments records as an evidence-base for informed planning decisions. Nevertheless, it is widely agreed that there are some specific areas which would benefit from further consideration, and there is a concern with the cost analysis. Built conservation specialists have given a more mixed response. For example the Institute of Historic Buildings Conservation's Director has criticised a perceived neglect of the place-shaping agenda in comparison to the protection and recording of

'assets'. Some private sector consultants are warning that the PPS shifts the onus for assessing importance or significance to the developer and that the new broader and more holistic wording will allow 'heritage protection by stealth'. There is a concern that as the PPS regularly uses the terminology of the now indefinitely delayed Heritage Protection Bill its statutory underpinning might be subject to challenge.

- 9 Principles: The Forum has previously broadly welcomed reform of the heritage protection regime whilst emphasising the need for government to fully fund any new commitments placed on local authorities. Subject to technical amendments and improvements, the PPS and its accompanying Practice Guide should not weaken the protection of the county's heritage, and may provide scope for some improvements. It is therefore suggested that the Forum offer general support to the approach as the existing planning guidance is now outdated. However, there are many areas where wording needs to be improved, procedures clarified and legal implications thought through. There are also areas where policy could be enhanced (e.g. recognising the contribution historic characterisation can make to place-shaping and the cultural dimension of landscapes and townscapes). The implications for local government need further attention; both with respect to the cost of delivery and organisation of historic environment services in two-tier areas (see 10 and 11 below).
- 10 Organisational issues: At present BCC maintains and enhances the Buckinghamshire Historic Environment Record and provides archaeological planning advice on strategic and development control matters to the county and district planning authorities<sup>1</sup>. The district councils employ historic buildings officers to advise on listed building applications and, in some districts, undertake work on conservation areas. Provision of conservation staff is variable between the districts; lower in Chiltern and Wycombe than in Aylesbury Vale or South Bucks.

The PPS itself makes no assumptions about the organisation of historic environment services but two assessments undertaken for the heritage protection bill are relevant to the PPS<sup>2</sup>. Essentially these documents both stress the need for closer-working between archaeological and historic building specialists to deliver the new holistic approach and the need for adequate resources linked to generally agreed roles and activities. There is a potential tension between the desire to achieve local engagement through a presence in district planning authorities and the potential for capacity-building and efficiencies of scale achieved by teams covering wider areas. It is suggested that the current organisational arrangements for historic environment services in Buckinghamshire are not necessarily the best and most cost-effective means of delivering the new PPS. For example, many planning applications will be assessed and commented upon by both

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<sup>1</sup> There are three full-time professional staff, plus two further staff funded through external contracts. Base budget is £170k

<sup>2</sup> Historic Environment Local Delivery Project (Atkins Heritage for DCMS/EH, 2006) and Implementing the Heritage Protection Reforms: A Report on Local Authority and English Heritage Staff Resources (EH, ALGAO and IHBC, May 2009)

archaeologists and conservation officers referring to the same PPS when it might be preferable to designate a single lead case officer who would draw upon other expertise as necessary. It is therefore recommended that officers undertake a review of Buckinghamshire’s county and district historic environment services to document the resources available, activities currently undertaken, areas of resource pressure and opportunities for efficiency savings. Such a review ought to consider a range of possible organisational models and could raise sensitive issues relating to the appropriate responsible authority, and therefore funding, of activities. Given the current constrained resources of these services and the pressures of PPS 15 actual cost savings are unlikely to be possible. National guidance on the division of responsibilities between the two tiers of county-district authorities is urgently required if these issues are to be addressed effectively.

- 11 Resource implications: The main area of cost pressure for the local authorities would be in the increased usage and further development of the Historic Environment Record to make it fully accessible to the districts and improve its coverage of built heritage. We are currently exploring with ITU the implications of the proposed new ‘Shared Services Contract’ for delivering improved access, however even with this in place there would be a likely additional specialist software licensing cost of c£4000 plus c£1000p.a per district<sup>3</sup>. BCC also needs to migrate the public web-site element of the HER to the new industry-standard software package at an estimated cost of up to £15,000. A one-off enhancement to improve coverage of HER content has been estimated at c£28600<sup>4</sup>. Long-term increased use of the HER is hard to estimate but might be sufficient to require a part-time HER assistant at a cost of c£12,500 p.a.; albeit this could be partly off-set by increased search fee income. The government’s cost assessment is wholly inadequate as it only takes account of a long-term cost which it estimates at a minimal c£1000 p.a. per HER.

Estimate of Bucks HER –related costs <sup>5</sup>	Set-up	Annual
Bucks CC	£43,600	£6,250 <sup>6</sup>
each district (x4)	£4,000	£1,000
Total	£59,600	£10,250

For the PPS to be cost-neutral, DCLG have calculated that it would have to enable LPAs to achieve efficiency savings of 1% on planning applications and 5% on conservation area and listed building applications. Effectively DCLG assume that front-loading the requirement to assess heritage assets onto developers and their consultants will enable LPAs to save money as a result of receiving better quality applications. Experience suggests that at least in the short-medium term this is an optimistic assumption. It is equally

<sup>3</sup> assuming a single licence per district and existing GIS licence (cost £3000)

<sup>4</sup> Estimated 14 months work by an HER assistant (salary etc but no overheads), about 50% of this is historic buildings related. The work could be undertaken in stages to spread the cost.

<sup>5</sup> assuming IT access provided at no additional cost through Shared Service contract (NB: at present Chiltern District are not involved in this arrangement)

<sup>6</sup> assumes 50% cost recovery through increased search fees.

plausible that the emphasis on agreeing 'significance' will lead to prolonged exchanges of differing professional viewpoints. Other potential costs have been ignored – for example although archaeologists regularly comment on undesignated historic assets this is not such familiar territory for conservation officers and there will generally be a need for training and professional skills sharing across the historic environment sector.

- 11 Proposed response: A draft response will be circulated at the meeting.

E. BACKGROUND PAPERS

*Draft Heritage Protection Bill.* DCMS (April 2008)

*Heritage Protection for the 21<sup>st</sup> Century.* DCMS White Paper (March 2007)

*Historic Environment Records Consultation.* DCMS (July 2003)

*Historic Environment Local Delivery Project* (Atkins Heritage for DCMS/EH, 2006)

*Historic Environment Planning Practice Guide* (EH, July 2009)

*Implementing the Heritage Protection Reforms: A Report on Local Authority and English Heritage Staff Resources* (EH, ALGAO and IHBC, May 2009)

*Consultation paper on a new Planning Policy Statement 15: Planning for the Historic Environment* (DCLG/DCMS, July 2009)

<http://www.english-heritage.org.uk/server/show/nav.21135>

*The Heritage Protection Bill*

*Joint Ministerial statement from Andy Burnham (Secretary of State for Culture, Media & Sport), Barbara Follett (Minister for Culture) and Baroness Kay Andrews (Parliamentary Under Secretary of State for Communities and Local Government)*

*English Heritage's response follows.*

<http://www.english-heritage.org.uk/server/show/category.20038>

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## APPENDIX: PPS 15 CONSULTATION QUESTIONS

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?
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)?
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?
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?
5. Do you agree that it is the “significance” of a historic asset that we are trying to conserve?
6. Does the PPS comply with devolutionary principles with regard to what is expected at regional and local levels?
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?
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?
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.)
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?
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?
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.