



**Report for: Cabinet 2nd September 2010
Planning Committee 15th September 2010**

Subject: Planning Policy Statement 5: Planning for the Historic Environment

Author: Planning Policy Manager for Head of Planning and Environment and Head of Strategy and Performance

Introduction

- 1 The purpose of this report is to inform members of the publication of Planning Policy Statement 5: Planning for the Historic Environment (referred to as 'the Statement'). The Statement will inform the development of future planning policy and will be a material consideration when determining planning applications.
- 2 The main policies that the Statement replaces are:
 - Planning Policy Guidance 15: Planning and the Historic Environment
 - Planning Policy Guidance 16: Archaeology and Planning
- 3 The Statement defines heritage assets as those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest. The Statement considers that planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. They should be conserved and enjoyed for the quality of life they bring to this and future generations.
- 4 To achieve this, the Government's objectives for planning for the historic environment are:
 - to deliver sustainable development by ensuring that policies and decisions concerning the historic environment:
 - recognise that heritage assets are a non-renewable resource
 - take account of the wider social, cultural, economic and environmental benefits of heritage conservation; and

- recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.
 - to conserve England’s heritage assets in a manner appropriate to their significance by ensuring that:
 - decisions are based on the nature, extent and level of that significance, investigated to a degree proportionate to the importance of the heritage asset
 - wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation
 - the positive contribution of such heritage assets to local character and sense of place is recognised and valued; and
 - consideration of the historic environment is integrated into planning policies, promoting place-shaping.
 - to contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available, particularly where a heritage asset is to be lost.
- 5 The Statement is divided into ‘Policies’ (in this case a specific policy relating to Heritage Assets and Climate Change) ‘Plan Making Policies’ (policies that guide how policy should be prepared at both the regional and local levels) and ‘Decision Making Policies’ (policies that guide how decisions on planning applications should be taken). *(PPS5 was issued prior to a letter dated 27th May 2010 sent to all local authorities from the Secretary of State for Communities and Local Government, which refers to the intention of the new coalition government to rapidly abolish Regional Strategies. The letter requires local planning authorities to have regard to the letter as a material planning consideration in their decision making).*

Policies

- 6 Policy HE1 requires local planning authorities to identify opportunities to mitigate, and adapt to, the effects of climate change when devising policies and making decisions relating to heritage assets by seeking the reuse and, where appropriate, the modification of heritage assets so as to reduce carbon emissions and secure sustainable development. Where conflict between climate change objectives and conservation of heritage assets is unavoidable, balanced decisions should be made in accordance with development management principles set out in this PPS and in national policy on climate change.

Plan Making Policies

- 7 These policies (HE2 to HE5) set out what Regional Planning Bodies and Local Planning Authorities should ensure is included in their development plans. *(For Gedling Borough Council this includes the emerging Core Strategy, and any subsequent Development Control Policy Document and Area Action Plans produced).* Both the Regional and Local tiers are required to:

- Have evidence about the historic environment and heritage assets in their area and ensure that this is publicly documented;
- Use the evidence to assess heritage assets and the contribution that they make to their environment now and in the future;
- Use the evidence to help predict the likelihood that currently unidentified heritage assets will be discovered in the future;
- Set out a positive, proactive strategy for the conservation and enjoyment of the historic environment in their area with the level of detail reflecting the scale of the area covered by the plan and the significance of the heritage assets within it;
- At the local level, plans should consider the qualities and local distinctiveness of the historic environment and how these can contribute to the development of the spatial vision in the local development framework core strategy;
- Plans should include consideration of how best to conserve individual, groups or types of heritage assets that are most at risk of loss through neglect, decay or other threats;
- Local planning authorities should consider whether the exercise of permitted development rights would undermine the aims for the historic environment. If it would, the use of an article 4 direction should be considered to ensure any development is given due consideration;
- Local planning authorities should consider how they can best monitor the impact of their planning policies and decisions on the historic environment with particular regard to heritage assets at risk.

Development Management Policies

- 8 Policy HE6 requires applicants to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance.
- 9 Where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, developers are required to submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation.
- 10 Policy HE7 requires local planning authorities to seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal. Then in considering impact of a proposal on any heritage asset, account should be taken of the heritage asset's significance and value for present and future generations. Local authorities should also take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment.
- 11 Where there is evidence of deliberate neglect of or damage to a heritage asset in the hope of obtaining consent, the deteriorated state of the heritage asset should not be a determining factor.

- 12 Policy HE8 states that the effect of an application on the significance of a heritage asset or its setting is a material consideration in determining the application. There is a general presumption that identification of any previously unidentified heritage assets will take place during the pre-application stage. In any case, local planning authorities should assist applicants in identifying such assets at the earliest opportunity.
- 13 Policy HE9 has a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Loss affecting any designated heritage asset should require clear and convincing justification and should only be considered in exceptional circumstances. If substantial harm or loss of significance of an asset would take place, this should be refused unless other material considerations outweigh that harm or loss e.g. substantial public benefits, the asset currently prevents all reasonable uses of the site, there is no viable use of the asset in the medium term, suitable funding is not available, or the harm or loss are outweighed by bringing the site back into use. In such cases, evidence that these alternatives have been explored through appropriate marketing must be demonstrated.
- 14 The policy also recognises that there are many heritage assets with archaeological interest that are not currently designated as scheduled monuments, but which are demonstrably of equivalent significance. The absence of designation for such heritage assets does not indicate lower significance and they are also subject to consideration under the guidance given in Policies HE9 and HE10.
- 15 Policy HE10 requires local planning authorities to identify opportunities for and treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. Taking such opportunities should be seen as a public benefit and part of the process for place-shaping.
- 16 Policy HE11 requires local planning authorities to assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan or from national policies.
- 17 Policy HE12 states that a documentary record of our past is not as valuable as retaining the asset, and therefore the ability to record evidence of our past should not be a factor in deciding whether a proposal that would result in a heritage asset's destruction should be given consent. Where the loss of the whole or a material part of a heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost.

Recommendation

- 18 It is RECOMMENDED that members note the contents of this report.

