

Consultation paper on a new Planning Policy Statement 15: Planning for a Historic Environment.

Response on behalf of Brighton & Hove City Council

A) General Summary Response

We have no objections to the combining of policy on the two PPG subjects and we welcome the approach of splitting the policy content from the implementation guidance. We further welcome the clear and concise format of the draft PPS, which we consider will make it a more readily accessible and useable document. The common set of principles is considered to be largely successful in integrating policy on different consent regimes.

It is noted that the PPS is in advance of wider changes to Heritage Protection Reform, notably the Heritage Protection Bill that has regrettably been delayed, and we note that this presents some difficulties in relation to terminology, which is no longer consistent with the primary legislation. We assume that careful consideration has been given to the legal implications of this approach and we trust that the PPS will be accompanied by separate operational guidance to local authorities on how to apply the policy in the transitional period prior to changes in primary legislation. (Such guidance is to be distinct from the technical guidance issued by English Heritage).

We welcome the clear principle that the historic environment should be seen as a series of assets in shaping future change. The greater emphasis in the PPS on the importance of basing policy-making and decision-making on a clear understanding of the significance of heritage assets is noted and welcomed. We would also welcome more specific guidance on how this approach should be reflected in the hierarchy of documents under Local Development Frameworks.

The strong and positive link that the draft PPS makes between the historic environment and policy on mitigating, and adapting to, climate change is also very welcome and we trust that it will be consistent with the proposed revision of the PPS1 'Planning and Climate Change' supplement due later this year. As a historic city we particularly welcome the statement that the continued use of heritage assets can contribute to sustainable development. Once again, practical guidance and training on the range of appropriate measures to enable different historic asset to mitigate and adapt to climate change will be needed.

B) Response to 'Consultation Questions'

1. *Does the PPS strike the right balance between advocating the conservation of what is important and enabling change?*

Largely yes. However, we consider that there is a lack of reference to the economic and regeneration benefits of the historic environment as part of the wider aim of delivering the sustainable development of places. The local economic links with the tourism industry are particularly important for historic cities like Brighton & Hove.

At a more detailed level, policy HE9.6 is considered to be weak in respect of the setting of assets. The phrase “where reasonably practicable” does not reflect the more rigorous approach taken elsewhere in the PPS and would be difficult to apply in practice. We see no ‘practicable’ reason why imaginative new development should not be designed in such a way that respects the setting, and reinforces the distinctiveness of, of heritage assets. This policy should also make a more positive link between the historic environment and wider urban design considerations.

With regard to policy HE9.8, we would suggest that it would be helpful if reference were made here to the issue of assessing the economic viability of re-using and restoring heritage assets when considering proposals. The accompanying English Heritage Practice Guide refers to this issue at paragraphs 45 and 47 but there is no policy wording for it to refer back to. We do note that policy HE9.9 refers to deliberate neglect, and this is very welcome, but this policy ought to qualify some earlier policy wording on assessing condition and viability.

With specific regard to policy HE9.8 (i), we would suggest that the words “in order to sustain” are replaced by the less ambiguous wording “as the only means of sustaining”.

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)?*

Yes the PPS is largely successful in its phrasing of the common principles. We have some concern with regard to the references to undesignated assets and how this may be applied in practice as it is more readily associated with archaeological assets. It is not clear whether assets on a comprehensive Local List adopted under the proposed new regime would subsequently be classed as designated or not.

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?*

We consider that it is difficult to respond to this question due to the broad nature and scope of the ELC. We see no conflict between the PPS and the ELC but at the same time we see little in the PPS that directly reflects the ELC or the cultural dimensions of landscapes in general. This is most likely to be an issue for regional and strategic policy making and policy HE2 could therefore perhaps be reviewed and expanded.

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.

5. ***Do you agree that it is the “significance” of a historic asset that we are trying to conserve?***

Yes. But the definition of “significance” in the glossary needs expanding.

6. ***Does the PPS comply with devolutionary principles with regard to what is expected at regional and local levels?***

Yes. But see comments in part A above with regard to the need for specific practical guidance on how the Plan Making Policies should be reflected in the hierarchy of documents under Local Development Frameworks.

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?***

Yes, this aspect of the PPS is particularly welcome. But as mentioned in part A above practical guidance and training on the range of appropriate measures to enable different historic asset to mitigate and adapt to climate change will be needed.

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?***

Generally yes, but with regard to risks we would point out that as the current economic downturn may have longer term implications for public funding, the stated need for local planning authorities to have access to expert advice in relation to the historic environment may be threatened. In respect of benefits, we would refer to the lack of positive reference in the PPS to the economic and regeneration benefits of the historic environment, as mentioned in the response to question 1.

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.)***

Yes we consider that the requirements are proportionate and we hope that the policy of the PPS will be reflected in the outcome of the current consultation on 'Streamlining information requirements for planning applications' so that the local authorities have adequate powers to apply the policy.

- 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?**

Yes. We do not foresee other significant developments.

- 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?**

Generally yes, but the impact assessment assumes no costs to local authorities where the policy in the PPS is related to discretionary tasks (e.g. Article 4 Directions, monitoring indicators and more pre-application discussions) as it takes the line that local authorities do not have to do them. But if the aims and aspirations of the PPS are to be properly and fully realised (rather than the minimum achieved) then there will inevitably be some additional costs to local authorities over future years.

- 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 comments.

C) Other Comments

We consider that the paragraph 5 of the PPS, headed 'The Government's Objectives' could be better worded and does not explain the objectives with sufficient clarity. There is a significant degree of repetition and confusion in the hierarchy of the format. In particular, the second bullet point begins by repeating wording from the main paragraph.