



Phil Weatherby  
Communities and Local Government  
Planning Systems Improvement Division  
Eland House  
Bressenden Place  
London  
SW1E 5DU

phil.weatherby@communities.gsi.gov.uk

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Dear Mr. Weatherby,

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

Thank you for the opportunity to comment upon this consultation.

**The Institute for Archaeologists**

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

The IfA has over 2,800 members and more than 60 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

The Institute has considered the draft Planning Policy Statement ('PPS') at its Annual General Meeting on 12 October, 2009 and consulted its membership and its committee for working practices in archaeology (CWPA) in order to inform this response. In addition, representatives of the Institute have attended and participated in a number of workshops and seminars at which the draft PPS was considered.

**General comments on Planning Policy Statement 15: Planning for the Historic Environment**

The Institute welcomes the publication of the draft PPS as a key element of the Government's heritage protection reform programme.

In particular, the IfA welcomes

- Government's commitment to maintain current levels of protection of the historic environment
- its attempt fully to integrate the historic environment within a more streamlined and fit for purpose planning system the development of a unified approach to the historic environment based upon a broad definition of a 'heritage asset'
- the recognition of undesignated as well as designated heritage assets as a legitimate subject of planning policy for the historic environment
- the recognition of the positive contribution that the historic environment makes to sustainable development and place making
- the support for Historic Environment Record services and their role in the management of the historic environment
- the intellectual shift from preservation by record to off-setting of harm by an increase in understanding
- the recognition of the need for 'expert' advice in order properly to inform decisions impacting upon the historic environment.

However, there are a number of areas where the provisions of the draft PPS require further consideration and/or drafting. Some of these areas are covered in the specific answers to the consultation questions (below), but the following concerns remain

1. The draft PPS lacks any adequate reference to standards or the need for work to be carried out by accredited experts. The archaeological profession has long-established standards for a range of historic environment work (eg dba, eval, exc, wb, abir, stewardship), and the relevant standard is cited in most local authority briefs, in WSI and is thus part of the documentation supporting many planning conditions. It is potentially unhelpful for the PPS and PG to highlight, quite correctly, the necessity for both LPAs and applicants of taking expert advice without any indication of the standards for expertise and how to recognise their achievement. Proposed amendments to the PPS are given in the annotated drafts at annex 1.
2. Although the draft PPS is a statement of Government policy, it omits important background necessary for the coherence of the document (such as a succinct explanation of the nature of archaeological evidence). This (and other background material) could be provided in the form of an expanded introduction without compromising the clarity of the specific policies that would follow.
3. Greater emphasis should be placed upon the positive role of the historic environment in terms of delivering sustainable development, place shaping, regeneration and public engagement.
4. There is also a need at the outset to make clear how the management of the historic environment can contribute in a major way to tackling climate change. The introduction is the appropriate place for climate change to be considered in this context, as opposed to being singled out in individual policies where the impression is given that the historic environment is a constraint upon the mitigation of climate change.
5. There should be an explicit presumption in favour of conservation. Although such a presumption is implicit in the draft PPS it needs to be clearly stated in order to avoid the suggestion that there will be any loss of protection with the introduction of the PPS.
6. There is uncertainty as to the exact status of accompanying guidance. This should be made clear in the PPS and the guidance.

7. Although the Institute supports the use of article 4 directions, we are concerned that, even in the light of the provisions proposed in *Improving Permitted Development*, the administrative and resource implications for local authorities may continue to restrict their use.
8. Opportunities for public participation and access should be identified in policy as a public benefit which a local planning authority might reasonably require where the impact of a development potentially involves a loss of significance of an asset.
9. Policy HE13.3 makes inadequate policy provision with regard to archives. This is a significant issue and the policy fails to address current problems stemming from inadequate provision of repositories capable of receiving archives. There needs to be appropriate mechanisms to ensure that archaeological archives produced through the planning process are appropriately dealt with in the long term.
10. The reference in policy HE13.3 to '*developers maximis[ing] opportunities to advance understanding of the asset's significance before this is lost*' should be re-phrased to avoid the implication (through the use of the word '*opportunities*') that such steps are optional rather than obligatory.
11. Although the draft PPS's support for HERs is fully endorsed, the draft should also identify other sources of information including the NMR and record offices.

### **Consultation questions**

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

No. Although it is the intention of the authors to maintain the same level of protection of the historic environment, some re-drafting of the PPS is required in order to ensure that this aim is achieved in practice.

- The clear statement at policy HE13.1 that '[a] documentary record of our past is not as valuable as retaining the asset' is particularly welcomed as an integral part of heritage protection policy.
- However, the loss of the key phrase from PPG16 that '[a]rchaological remains should be seen as a finite and non-renewable resource' (paragraph 6), together with the absence of an explicit presumption in favour of conservation, may lead to a reduction in the weight currently attached to heritage considerations in the planning process. Such a reference might be included in paragraph 4 of the PPS or in policy HE9.7 which has a crucial role to play in striking the right balance in the development management process between advocating conservation of what is important and enabling change. For instance, the latter part of policy HE9.7 could be revised to read '*...the local planning authority should weigh the public benefits of the proposed development against any harm that it has on the heritage asset, recognising that many classes of asset are finite and vulnerable and that the greater the harm to the significance of a heritage asset the greater the justification will be needed for any loss.*' [suggested additions appear in bold.]
- Moreover, 'public benefits' in policy HE9.7 are confined solely to the benefits of the proposed development and there is no reference to the public benefits of conserving what

is important in the historic environment. Whilst this is touched on elsewhere (see, for example, policies HE2, HE3 and HE9.4), the phraseology of policy HE9.7 should not in any way suggest that the balance is one between the public benefit and the historic environment. The PPS generally should place more emphasis upon the positive role of the historic environment in the planning system. In particular, paragraphs 1.1, 1.2 and 1.3, 1.10 and 1.13 of Part 1: Introduction to the consultation should be integrated into paragraphs 1-4 of the Introduction to the draft PPS.

- Further elaboration will also be needed (possibly in supporting guidance) on the identification of public benefit and the weight to be attached to competing considerations (applying principles of proportionality).
- Similarly, there will need to be greater clarification of 'social, economic and environmental benefits' in policy HE9.8(iii) and the weight to be attached to them.

The specific identification of climate change in a number of places in the draft (such as policies HE, HE9.5 and HE9.8(iii)) is unhelpful as climate change is the subject of separate planning policy (Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1). The Institute in no way seeks to minimise the importance of this issue but is concerned that the emphasis in the PPS upon this one consideration suggests its prioritisation to the detriment of the historic environment.

### **2. By adopting a single spectrum approach to historic assets, does the PPS take proper account of any differences between types of asset (e.g. are archaeological assets adequately covered)?**

The Institute supports the single spectrum approach to historic assets.

There are instances where it is necessary to differentiate between different classes of asset or to direct policy to specific types of asset.

- In particular, an expanded introduction should explain the nature of archaeological evidence in relation to buried remains. It is rare for the significance of such remains to be known at the outset when sites are being considered for development. The majority of buried remains in areas of archaeological potential are undesignated and their significance (or existence) is often unknown in advance of investigation.
- An appreciation of the nature of archaeological evidence is central to the formulation and application of policy in this regard. Notwithstanding the desire to separate policy from guidance, an expanded introduction to the policies in the PPS dealing with matters such as this is necessary to provide an intelligible and coherent document. Policy HE10.6 is welcome in this regard but does not in our view wholly meet the concerns expressed.
- Within policy, references to use and re-use (as in policy HE9.8(i) and (ii)) are intelligible in the context of buildings but sit uneasily in the context of other heritage assets such as buried remains and ancient monuments.

### **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. Although the European Landscape Convention recognises that landscape 'is a basic component of the ... natural and cultural heritage' (Preamble) and annex 1 of the PPS (rightly) includes 'landscape' within the definition of heritage asset, much of the language of the PPS in relation to heritage assets is difficult to apply specifically to landscapes.

- Landscape should be addressed more clearly in the PPS, perhaps in a specific policy.

**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?**

The Institute is generally satisfied that the policies and principles set out in the PPS are the key ones.

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

This approach builds upon English Heritage’s Conservation Principles (2008) and is accepted in principle. However, the detailed formulation of this approach in policy requires further work. In particular

- The concept of ‘significance’ has been developed in the context of heritage protection reform and of a Heritage Protection Bill that will not in the short term reach the statute book (if at all). In the meantime, the historic environment is subject to a framework of statutes each utilising different language. There is in the PPS no clear ‘read across’ between ‘significance’ and terms such as ‘national importance’ that remain relevant to the designation of some heritage assets. Moreover, further clarity is required in the definition of a variety of terms used in the draft including ‘significance’, ‘value’, ‘benefit’ and ‘interest’. It should be made clear, for instance, that ‘archaeological interest’ is not confined to an interest in buried remains.
- The use of ‘significance’ in the PPS differs from the approach conventionally adopted in environmental assessment (where ‘significance’ is attached to impacts and ‘importance’ to assets).

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

Generally, yes. While it imposes no new burdens on local authorities, there will be a need to maintain or enhance resources and skills to ensure that historic environment services can implement the PPS to its best effect.

**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?**

No, (see the response under question 1).

**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?**

No. Notwithstanding the fact that the PPS is a policy (and not a guidance) document, there should be clearer reference in the PPS to the need for decision-makers to base their decisions on work done in accordance with the widely used standards produced by the professional institutes (supported where appropriate by guidance from English Heritage and others) and by recognised experts (please see the annex to this submission for proposed improvements to the drafting. In the absence of clear policy in this regard there is likely to be inconsistency in the standard of work produced by the historic environment sector to the detriment of the sector, and more importantly to the historic environment and to public benefit from it.

- Furthermore, the reference to 'conditions or obligations' in policy HE13.3 is inadequate. The imposition and discharge of conditions are key elements in managing the historic environment through the planning process and, while detail can be provided in supporting guidance, clear policy provision needs to be set out in the PPS.

The scope for greater flexibility in decision-making might better be developed in supporting guidance.

**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.)**

The emphasis in policy HE8 upon the validation of applications is understandable in principle.

- However, in practice, there is concern that there is limited scope for local authority staff at the validation stage to assess the adequacy of information provided (as opposed simply to confirming that prescribed material accompanies the application). Indeed, Circular 02/2008 Standard Application Form and Validation states that the 'process of validating applications should essentially be an administrative process' (paragraph 26) and that the 'quality of the information submitted should have no bearing on the validity of the planning application during the validation process...' (paragraph 27).
- Although the PPS generally highlights the need to provide appropriate and adequate information, it would be helpful if there were clearer provision to support appropriate action in cases where inadequate information is 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?**

Uncertainty as to future legislative change (and, in particular, as to the enactment of a Heritage Protection Act) casts some doubt upon whether a horizon of 20 years is realistic for the PPS.

- Nevertheless, an element of 'future-proofing' would be provided by a clearer articulation of the differing concepts, as discussed under question 5.

**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?**

This is a matter best pursued with colleagues in the Association of Local Government Archaeological Officers (ALGAO).

- Some members of the Institute employed in local authority historic environment services have expressed misgivings as to the accuracy of the identification of the additional cost burdens for local planning authorities
- Members of the Institute providing contracting and consulting services advise that the average costs for desk-based assessments, field evaluation, and probably excavation (the range is wide) cited in *Annex B, Monetised cost 1* are very significantly underestimated.

Their publication here is unhelpful and may mislead applicants.

**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.

**Concluding comments**

It is imperative, in the light of the delay in pursuing the Heritage Protection Bill, that the PPS is issued promptly (ideally accompanied by supporting practice guidance). The Institute would however be happy to contribute further to the development of the PPS and supporting guidance. The practice guide, as currently drafted, requires revision and significant further input from the profession. If this meant that the PPS was published in its final form shortly in advance of its supporting guidance, we would reluctantly accept this as preferable to the adoption of inadequate guidance.

In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours sincerely



Peter Hinton BA FSA FRSA MifA MIAM  
Chief Executive

cc: Duncan McCallum, EH

## ANNEX A: Planning for the Historic Environment - IfA edit

### INTRODUCTION

1. Planning policy statements (PPS) set out the Government's national policies on different aspects of planning in England. This PPS sets out planning policies on the conservation and enhancement of the historic environment through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy<sup>1</sup>. This PPS replaces *Planning Policy Guidance Note 15: Planning and the Historic Environment* published in September 1994 and *Planning Policy Guidance Note 16: Archaeology and Planning* published in November 1990. Guidance to help practitioners implement this policy is provided in the *Historic Environment practice guidance*<sup>2</sup>.
2. The policies set out in this PPS should be taken into account by regional planning bodies in the preparation of revisions to regional spatial strategies<sup>3</sup>, by the Mayor of London in relation to the spatial development strategy for London, and by local planning authorities in the preparation of local development documents. The policies in the final PPS may also be material, depending on the particular circumstances of the case, to decisions on individual planning applications.
3. The policies and principles set out in this statement also apply to the consideration of the historic environment in relation to the other heritage-related consent regimes for which planning authorities are responsible.
4. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. Some heritage assets have a level of interest that justifies official designation (see Annex 1) and particular procedures apply to development decisions that involve them. This statement also covers heritage assets that are not currently designated or are not capable of designation under current heritage

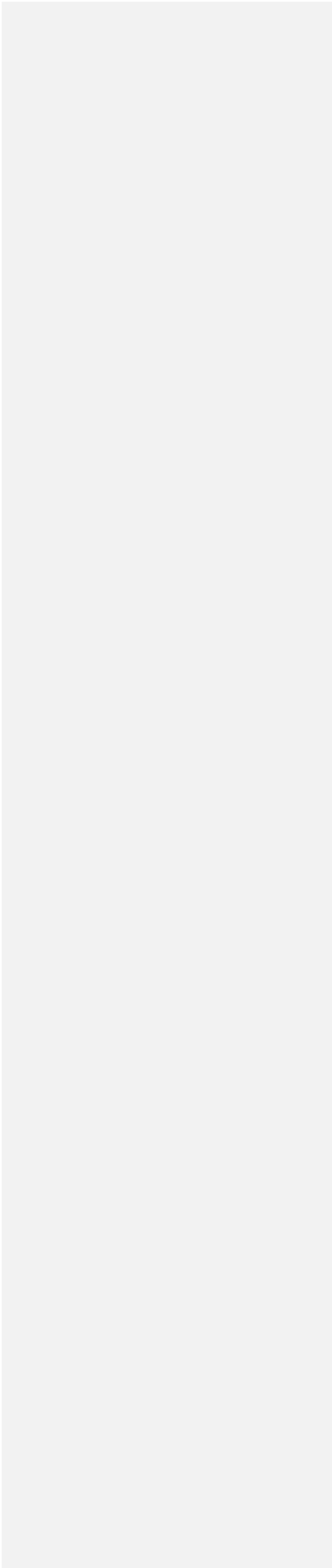
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<sup>1</sup> They are consistent with our obligations as a signatory to the Council of Europe's 'Granada' Convention (The Convention for the Protection of the Architectural Heritage of Europe), 'Valetta' Convention (The European Convention on the Protection of the Archaeological Heritage), the 'Florence' Convention (The European Landscape Convention) and the 1972 UNESCO World Heritage Convention.

<sup>2</sup> See [www.english-heritage.org.uk/PPS](http://www.english-heritage.org.uk/PPS)

<sup>3</sup> Following enactment of the Local Democracy, Economic Development and Construction Bill, the responsible regional authorities will be responsible for revision of regional strategy, which will replace the RSS; for reference see footnote 6.

protection legislation, but which have a level of interest which should be conserved and, where appropriate, enhanced<sup>4</sup>.



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<sup>4</sup> The glossary at Annex 1 describes these terms in more detail.

## THE GOVERNMENT'S OBJECTIVES

5. The Government's broad aim is that the historic environment, and heritage assets in particular, should be conserved, enhanced and enjoyed for the quality of life they bring to this and future generations. To help achieve this vision, the Government's objectives for planning for the historic environment are:
- to apply the principles of sustainable development to proposals involving the historic environment, by ensuring that policies and decisions concerning the development and use of land take account of the positive benefits of conserving and, where appropriate, enhancing heritage assets (such as encouraging sustainable tourism to support economic growth or re-using existing heritage assets for example as part of regeneration)
  - to conserve and, where appropriate, enhance England's heritage assets in a manner appropriate to their significance by ensuring that:
    - decisions are based on an understanding of the nature, extent and level of that significance
    - wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation
    - that the positive contribution of such assets to local character and sense of place is recognised and valued and
    - that treatment of the historic environment is integrated into general planning policies, promoting place-making
  - to contribute to our knowledge and understanding of our past by ensuring that opportunities to capture evidence from the historic environment and make this publicly available are taken, particularly if a heritage asset is to be lost.

## PLAN MAKING POLICIES

### Policy HE1. Evidence base for plan-making

HE1.1 Regional and local planning authorities should ensure that they have evidence about the historic environment, and heritage assets in particular, in their area and that this is publicly documented. The evidence should be proportionate and sufficient to inform adequately the relevant planning process. Local planning authorities should ensure that they either maintain or have access to an adequate historic environment record.<sup>5</sup>

**Comment [MSOffice1]:** change to footnote makes consistent with definition in *Terminology*

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<sup>5</sup> All local planning authorities currently maintain or have access to a historic environment record (HER), supported by dedicated expert staff, providing coverage of their area. Most HERs are hosted by unitary/upper tier local authorities and National Park Authorities – and in Greater London, by English Heritage. Details can be found at <http://www.heritagegateway.org.uk/Gateway/CHR>

- HE1.2 This evidence, in particular that contained in relevant historic environment records, should be used to assess the extent, significance and condition of known heritage assets and the contribution that they may make to future development in the area. It should also be used to help predict the likelihood that new heritage assets, particularly sites of historic and archaeological interest, will be discovered, including through the development process.
- HE1.3 Where planning bodies are addressing the conservation of the historic environment they need to consider both known heritage assets and areas where there is a potential for such assets to be discovered.

### **Policy HE2: Regional planning approach**

- HE2.1 The character and significance of the historic environment in a region should inform the regional spatial strategy (RSS)<sup>6</sup> with particular attention paid to the landscapes and groupings or types of heritage assets that give distinctive identity to a region or areas within it<sup>7</sup>.
- HE2.2 The RSS should ensure a consistent approach across the region to the conservation, enhancement and enjoyment of the historic environment.
- HE2.3 In determining its strategy, the regional planning body should take full account of the positive contribution that the historic environment can have for regeneration, encouraging tourism, and enhancing the quality of the environment and the region's sense of place, alongside other objectives such as economic growth and housing supply. Their approach should be consistent with securing progress against the UK's carbon emissions targets.

### **Policy HE3: Local planning approach**

- HE3.1 Having assessed the evidence, local planning authorities should, where appropriate, set out a positive, proactive, strategy for the conservation, enhancement and enjoyment of the historic environment in their area. They should particularly focus on the local distinctiveness of the historic environment and how this can be used to promote a sense of place and an understanding of how it originated. They 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 pressures (See also policy HE6.1).

**Comment [MSOffice2]:** brings in otherwise omitted bullet point 3 of Introduction para 5, the third government objective

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<sup>6</sup> References in this paragraph to the regional spatial strategy should be taken to refer to the regional strategy once the Local Democracy, Economic Development and Construction Bill is enacted and brought into force. The latest version of the Bill can be found at <http://services.parliament.uk/bills/>

<sup>7</sup> Historic characterisation provides a useful approach for assimilating this information.

HE3.2 Within the plan-making process, the historic environment should be seen as a stimulus to inspire new buildings of imaginative and high quality design that respect and harmonise with their setting and help to enhance the appearance and character of an area.

**Policy HE4: Heritage assets and sustainable development**

HE4.1 The continued use of heritage assets can contribute to sustainable development. Keeping assets in use reduces the consumption of building materials and energy and reduces waste.

HE4.2 Local planning authorities should contribute to mitigating, or adapting to, the effects of climate change when devising policies and making decisions relating to heritage assets by seeking to reuse and, where appropriate, modify heritage assets so as to reduce CO<sub>2</sub> emissions and secure sustainable development. While there may be occasions when climate change objectives conflict with conservation of heritage assets there will normally be opportunities for enhanced energy efficiency, improved resilience to weather, greater use of renewable energy, or sustainable drainage and use of water, that will make a contribution without such conflict arising.

**Policy HE5: Permitted development and article 4 directions**

HE5.1 Local planning authorities should consider whether allowing the exercise of permitted development rights would undermine the aims for the historic environment within the development plan or the general aims of conservation and enhancement set out in this planning policy statement. If so, they should consider the use of an article 4 direction for a single heritage asset, class of heritage assets or an area to limit the extent of such development.

**Policy HE6: Monitoring indicators**

HE6.1 Local planning authorities should consider how they can best proactively monitor the impact of their planning policies and decisions on the historic environment. They should pay particular attention to the degree to which groups of heritage assets and individual heritage assets are at risk of loss or decay, how they expect this will change over time, and how they propose to respond<sup>8</sup>.

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<sup>8</sup> The local planning authority has a duty to consider conservation area designation pursuant to s69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## DEVELOPMENT MANAGEMENT PROCESS

### Policy HE7: Pre-application discussions and assessment

- HE7.1 PPS1<sup>9</sup> says that local planning authorities and applicants should consider the benefits of early engagement in pre-application discussions. Early engagement is particularly beneficial for applications with the potential to impact on heritage assets or their setting: understanding the significance of affected heritage assets is key to successful design (design that uses the advantages of the asset's interest, whilst conserving its significance). The more the applicant and the local planning authority explore and understand that significance before designs are drawn up, the greater the chances of a successful application.
- HE7.2 Where a development site includes heritage assets with an archaeological interest, local planning authorities should require developers to carry out appropriate desk-based or field evaluations as part of any application for consent. They should refer to the results of these evaluations when determining the design of the proposed development. A copy of the outcomes of such evaluations should be deposited in the relevant historic environment record.
- HE7.3 A heritage asset can be better conserved and the burden of the consent process lessened or even removed if through the use of pre-application discussions an owner and the local planning authority can agree the nature and extent of the significance of the asset. There is no obligation on either party to do so but the benefits should be considered by both parties.

### Policy HE8: Information requirements for validation of applications for consent affecting heritage assets

- HE8.1 Local planning authorities should require the applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. This should set out the information that has been considered and the expertise that has been consulted. As a minimum the relevant historic environment record should have been consulted, the assets themselves should have been assessed<sup>10</sup> and sufficient information produced to enable the local planning authority to make a decision<sup>11</sup>.

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<sup>9</sup> *Planning Policy Statement 1: Delivering Sustainable Development* (ODPM 2005) p4 para 12.

<sup>10</sup> Advice on the scope of heritage statements is included in CLG's guidance on the validation of planning applications, available at <http://www.communities.gov.uk/publications/planningandbuilding/validationplanningapplications>.

At the time of publication (summer 09) this guidance was likely to be updated; please ensure you refer to the most up-to-date version.

<sup>11</sup> The industry standards and guidance for archaeological desk-based assessments, archaeological field evaluations and archaeological building investigation and recording are available at <http://www.archaeologists.net/modules/icontent/index.php?page=15>

HE8.2 Local planning authorities should consider the evidence provided by that description alongside the outcome of any consultation with the local community and expert advice from professional experts<sup>12</sup> and/or statutory consultees as required. (This should include the results of any desk-based or field evaluations undertaken by the developer as set out in HE7.2 above.)

**Comment [MSOffice3]:** Other institutes also offer accredited (IHBC, PACR) individual experts and references could be included in this footnote. IfA is the only professional institute that registers practices as a product of a rigorous and time-limited quality assurance procedure (follow weblink in footnote)

HE8.3 Local planning authorities should not validate applications for consent where the extent of the impact of the proposed development on the significance of any heritage assets affected cannot be fully understood from the application and supporting documents<sup>13</sup>.

### **Policy HE9: Policy principles guiding the determination of applications for development relating to all heritage assets**

HE9.1 In considering applications<sup>14</sup> local planning authorities should seek to identify and assess the significance of any element of the historic environment that may be affected by the relevant development (including development within the setting of an asset) drawing on the evidence provided by any relevant designation records, the relevant historic environment record, the heritage assets themselves and the outcome of consultations with interested parties and expert specialist advice. In considering the significance of a heritage asset, local planning authorities should take into account the particular nature of the interest in the asset and the value that it holds for this and future generations. This understanding should be used to avoid or minimise conflict between conservation of that significance and proposals for development.

**Comment [MSOffice4]:** this is the word used in *Terminology* definitions – and in HE9.2

HE9.2 Local planning authorities should use appropriate expert advice to inform decision-making relating to heritage assets where the need to understand the significance of the heritage asset demands it. This may be from in-house experts, experts available through agreement with other authorities, or consultants<sup>15</sup>, complemented by specialist national organisations and local amenity societies.

HE9.3 Local planning authorities should particularly seek the views of the local community where the evidence suggests that the asset may have a historic, archaeological, architectural or artistic significance to the local community that may not be fully understood from records or statutory consultees alone<sup>16</sup>.

HE9.4 In determining individual applications, local planning authorities should take into account the desirability of enhancing the significance of

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<sup>12</sup> The Institute for Archaeologists can provide advice on accredited/registered expert historic environment practices and individuals (<http://www.archaeologists.net/modules/icontent/index.php?page=22>)

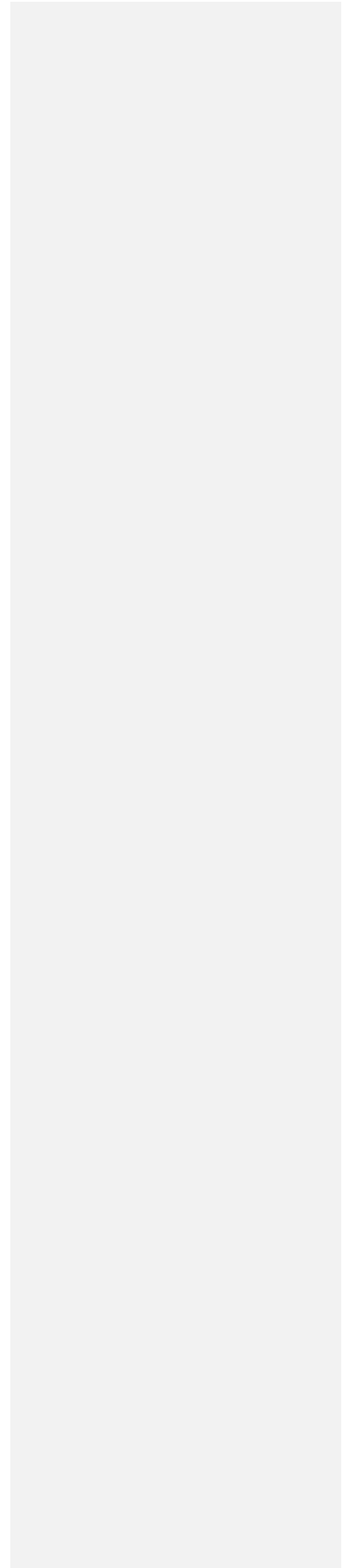
<sup>13</sup> The industry standards and guidance for archaeological desk-based assessments, archaeological field evaluations and archaeological building investigation and recording are available at <http://www.archaeologists.net/modules/icontent/index.php?page=15>

<sup>14</sup> This may relate to an application for planning permission, Listed Building Consent, Conservation Area Consent or any other necessary consent for development.

<sup>15</sup> The Institute for Archaeologists can provide advice on accredited/registered expert historic environment practices and individuals (<http://www.archaeologists.net/modules/icontent/index.php?page=22>)

<sup>16</sup> Annex 1 provides an explanation of the different types of significance a heritage asset may have.

heritage assets, securing their conservation for the longer term and utilising their positive role in place-making.



- HE9.5 Where development proposals that are promoted for their contribution to mitigating climate change have a potentially negative effect on heritage assets, local planning authorities should, prior to determination, and ideally during pre-application discussions, help the applicant to identify feasible solutions that deliver similar climate change mitigation but with less harm to the significance of heritage assets and their setting.
- HE9.6 Local planning authorities should aim to ensure that, where reasonably practicable, new developments are designed in a way that respects their setting and reinforces the distinctiveness of heritage assets they stand alongside, in terms of scale, height, massing, alignment, and use of materials. In doing so, local planning authorities should, in line with PPS 1, take care to avoid stifling innovation and undermining investment in sustainable development.
- HE9.7 Where a development proposal has a negative impact on the significance of a heritage asset, through alteration or destruction, or through development within its setting, the local planning authority should weigh the public benefits of the proposed development against any harm it has on the heritage asset, recognising that the greater the harm to the significance of a heritage asset the greater the justification will be needed for any loss.
- HE9.8 Local planning authorities should not accept material harm to or removal of significance in relation to a heritage asset unless:
- (i) the harm or partial removal is necessary in order to sustain the asset in its original use or, if the original use is not possible, some other sustainable use that conserves the asset
  - (ii) the heritage asset impedes all reasonable uses of the site, there is clear evidence that no viable use of the site can be found in the medium term that will enable the retention of the asset's significance, and conservation through grant-funding or some form of charitable or public ownership is not possible or
  - (iii) it can be demonstrated that the material harm to or removal of significance is outweighed by the wider social, economic and environmental benefits, including mitigating climate change, that will be delivered by the proposed development
- HE9.9 Where there has been any deliberate neglect of the heritage asset in the hope of obtaining consent, local planning authorities should disregard any deterioration resulting from such neglect when determining consent.
- HE9.10 Where loss of significance is justified on the merits of new development, local planning authorities should make every effort to satisfy themselves of the likelihood that the proposed new development will proceed before approving the application.

**Policy HE10: Additional policy principles guiding the consideration of applications for development related to designated heritage assets**

- HE10.1 Local planning authorities should be guided by the principle that the more significant the heritage asset, the greater the presumption in favour of its conservation.
- HE10.2 Material loss of heritage assets of the highest significance, including scheduled ancient monuments<sup>17</sup>, protected wreck sites, battlefields, grade I, II\* and II listed buildings and registered parks and gardens, should be wholly exceptional.
- HE10.3 Local planning authorities considering applications for development related to designated heritage assets should be particularly alert to policy 9.8(ii) which sets out the requirement for evidence that alternative ownership or uses for the asset have been explored. To be confident that no appropriate and viable use of the asset can be found, local planning authorities should require evidence that other potential owners or users of the site have been sought through appropriate marketing and that reasonable endeavours have been made to seek grant funding for the asset's conservation and to find charitable or public authorities who may be willing to take on the asset.
- HE10.4 In considering the significance of heritage assets local planning authorities should bear in mind that not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Those elements that do contribute to the significance should be considered as designated assets in themselves (whether subject to separate statutory designation or not). When considering applications for development, local planning authorities should take into account the significance of such individual elements and their contribution to the significance of the World Heritage Site or Conservation Area as a whole.
- HE10.5 Where an element of a World Heritage Site or Conservation Area does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the World Heritage Site or Conservation Area, including, where appropriate, through development of that element. This should be seen as a positive public benefit and part of the process of place-making.

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<sup>17</sup> Development affecting Scheduled Monuments and Protected Wreck Sites will also require prior consent from the Secretary of State for Culture, Media and Sport (see <http://www.culture.gov.uk/>). In such cases, local planning authorities should encourage applications for all relevant consents to be made in parallel.

HE10.6 Due to the discretionary approach taken to the scheduling of monuments and the statutory limitations on what can be designated as a monument there are many sites that are significant for their archaeological interest that are not designated at present. The absence of designation does not necessarily indicate lower significance. Non-designated assets of archaeological interest equal in significance to that of scheduled monuments should be treated according to the same principles.<sup>18</sup>

**Policy HE11. Additional policy principles guiding the consideration of applications for development affecting the setting of a heritage asset**

HE11.1 When considering applications for development within the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that enhance the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any loss of enhancement of the asset against the wider benefits of the application. Reflecting the importance Government attaches to development that contributes to the wider principles of sustainable development, such benefits may include the wider benefits associated with increased production of energy from low or zero-carbon sources. The greater the negative impact on the significance of the asset, the greater the benefits that will be needed to justify approval.

HE11.2 Where an aspect of an asset's setting does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance, including through high quality design of new development. This should be seen as a positive public benefit and part of the process of place-making.

**Policy HE12: Additional policy principles guiding development of a heritage asset that is otherwise contrary to the development plan (also known as enabling development)**

HE12.1 Local planning authorities should use the following criteria to determine 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, bearing in mind the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004<sup>19</sup>.

- Will it materially harm the significance of the asset or its setting?
- Will it avoid detrimental fragmentation of management of the asset?

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<sup>18</sup> Advice and information about the significance of known, but non-designated heritage assets with archaeological interest may be obtained from County Archaeologists and historic environment records, respectively.

<sup>19</sup> Note that these criteria are listed as a starting point; what is a material consideration will always depend on the circumstances of the individual case and this list is not comprehensive.

- Will it secure the long term future of the asset and, where applicable, its continued use for a purpose sympathetic to its conservation?
- Is it necessary to resolve problems arising from the inherent needs of the asset, rather than the circumstances of the present owner, or the purchase price paid?
- Is there a source of funding that might support the asset without the need for enabling development?
- Is the level of development the minimum necessary to secure the future conservation of the asset and of the design and type that minimises harm to other public interests?

**Policy HE13: Policy principles guiding the recording of information related to heritage assets**

HE13.1 A documentary record of our past is not as valuable as retaining the asset. The ability to record evidence of our past should not therefore be a factor in deciding whether consent for development that would result in a heritage asset's destruction should be given.

HE13.2 The process of investigating the significance of the historic environment, as part of plan- or decision-making, generates information and furthers understanding of our past. Expert investigation into the archaeological interest of a place may reveal the evidence of past human activity and therefore should be undertaken by accredited/recognised experts<sup>20</sup> to the recognised standard<sup>21</sup>. This information should be made publicly available, including through the relevant historic environment record.

HE13.3 Where a decision has been made that will result in the loss of the whole or a material part of an asset's significance, local planning authorities should ensure that developers maximise opportunities to advance understanding of the asset's significance before this is lost. Developers should publish the outcomes of such investigations and the advancement in understanding that those results bring. They should deposit copies of the reports with the relevant historic environment record. They should also offer the archive generated to a local museum or other public depository. Where appropriate, local planning authorities should impose planning conditions or obligations to ensure such work is carried out before commencement of the development.

**Comment [MSOffice5]:** The inclusion of this policy advice makes the link between HE13.2 and the definition of archaeological interest in *Terminology*

<sup>20</sup> The Institute for Archaeologists can provide advice on accredited/registered expert historic environment practices and individuals (<http://www.archaeologists.net/modules/icontent/index.php?page=22>)

<sup>21</sup> The industry standards and guidance for archaeological excavations, archaeological building investigation and recording, and archaeological watching briefs are available at <http://www.archaeologists.net/modules/icontent/index.php?page=15>

## **ANNEX 1. TERMINOLOGY**

### **Archaeological interest**

An interest in carrying out an expert investigation at some point in the future into the evidence a place may hold of past human activity. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. These remains are part of a record of the past that begins with traces of early humans and continues to be created and destroyed.

### **Architectural and artistic interest**

These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the place has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.

### **Conservation**

The process of maintaining and managing change to a heritage asset in a way that preserves its significance.

### **Designated asset**

A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park or Garden, Registered Battlefield or Conservation Area designated as such under the relevant legislation.

### **Heritage asset**

A building, monument, site, or landscape of historic, archaeological, architectural or artistic interest whether designated or not. Heritage assets are components of the historic environment.

### **Historic environment**

All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and deliberately planted or managed flora. Those elements of the historic environment that have significance are called heritage assets.

### **Historic environment record (HER)**

Historic environment records are information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use. Typically, they comprise databases linked to a geographic information system (GIS), and associated reference material, together with a dedicated expert staffing resource.

### **Historic interest**

An interest in past lives and events. Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide an emotional meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

### **Historic characterisation**

Historic characterisation is the process and product of defining the overall historic character of a place or landscape in terms of its present-day archaeological and architectural identity so that the principles of sustainable development can be applied. GIS-based historic landscape characterisation and its urban equivalents are currently the most prevalent of these approaches, but historic environment characterisation extends these principles by combining assessments of archaeological, architectural and historic landscape character, while historic seascape characterisation applies them to the marine historic environment.

### **Setting**

The area surrounding a heritage asset within which activity or development may affect the significance of that asset. The significance of an asset, or appreciation of that significance, may be enhanced or diminished by elements of the existing setting.

### **Significance**

The value of a place to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic<sup>22</sup>.

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<sup>22</sup> The accompanying guidance by English Heritage (<http://www.english-heritage.org.uk/PPS>) expands on how one can analyse the public's interest in heritage assets by sub-dividing it into aesthetic, evidential, historic and communal values. This is not policy, but a tool to aid analysis.