

## PLANNING FOR THE HISTORIC ENVIRONMENT

A response to the draft Planning Policy Statement 15  
from the Civic Society Initiative  
October 2009

The logo for the Civic Society Initiative is a yellow square containing the text "civic society initiative" in a black, lowercase, sans-serif font, arranged in three lines.

civic  
society  
initiative

1. The Civic Society Initiative welcomes this opportunity to shape the draft PPS15 on *Planning for the historic environment*. The final PPS is set to play a central role in shaping the future quality, character, identity and sense of place for communities, villages, towns and cities throughout the country.

2. The Civic Society Initiative was established in June 2009 following closure of the Civic Trust. It is helping to find a way forward for the civic society movement which comprises a network of over 1,000 local groups and 250,000 members in the warp and weft of communities across England. Civic societies are champions of civic pride and the sense of place and identity engendered by sensitive management and change in villages, towns and cities across the country. Civic societies make more contributions to the planning process than any other movement or interest group.

3. This response complements those being made by both individual civic societies and their county and regional groupings and is informed by their extensive practical experience. It focuses on the key strategic issues which are welcomed or give rise to concern.

4. Overall, there is a high level of disquiet about the draft PPS15 and a widespread conviction that Government assurances that there will be no less protection than under PPGs 15 and 16 will not be borne out. While some aspects can be welcomed the general view is that the document:

- lowers the bar of protection for what is important in the historic environment
- takes an unduly narrow perspective on the public benefit provided by the historic environment and removes recognition of its value *“for its own sake”*
- will create confusion and uncertainty through the introduction of a new approach and terminology which departs from the current legislation, is unduly theoretical and academic in its approach, and demands a level of skills and resources in local government which is lacking
- is part of a piecemeal approach to heritage protection reform which is causing considerable concern and requires publication of the full suite

of guidance and the Government's promised heritage "vision" before it can be introduced.

5. We cannot support introduction of the PPS as it stands. It sweeps away existing policy protection and replaces it with a complex approach that demands resources and skills that are not available and depends on a legislative base which does not exist.

6. We urge a significant strengthening and tightening of the approach, new guarantees on the availability of the skills and resources that will be needed confidently to deliver it and publication of the new policy statement only if it is accompanied by a full supporting set of guidance and the Government's "vision". Otherwise we would prefer to retain the existing PPGs despite the passage of time and their limitations until such time as a new approach can be introduced.

7. The Civic Society Initiative urges the Government to take action to address shortcomings in the draft PPS in the following areas:

Consistency, confusion and competency

8. The draft PPS introduces a new approach to assessing the value and contribution of the historic environment that draws heavily on English Heritage's "conservation principles" and the terminology which would have been introduced by new heritage legislation. We recognise the intellectual rigour which English Heritage is seeking to introduce and believe that concepts of significance have a part to play in valuing heritage assets but the approach is extremely demanding of local planning authorities and will introduce new ambiguities and uncertainties with the overall effect of reducing the level of understanding and protection. The value of the heritage asset as well as its significance needs to be better recognised.

9. The PPS is critically dependent on all local authorities having both skilled staff competent to implement it and the resources and skills required to develop and maintain Historic Environment Records. This is clearly not the case. The shortage of local authority Conservation Officers is well documented and many Historic Environment Records are partial (e.g. frequently omitting archaeological records), out of date and/or not available electronically. Without the staff and evidence base on which the PPS's approach depends it will cause delay and confusion and inevitably weaken protection. Decisions will not be made on merit but on the basis of the quality of the records in place at the time the planning application was submitted. It will also obstruct the claimed efficiency savings from introducing the new PPS and the risk assessment does not address the skills and resources issue adequately.

10. Practical implementation will also be hindered by vague, ambiguous and contradictory terminology which means that planning policy and primary legislation for heritage will be incongruous. It is a cause of particular concern that the legislative requirement for decision makers to "*have special regard*" to

the conservation of listed buildings, their settings and the conservation or enhancement of conservation areas is not adequately reflected in the draft PPS. It is also hugely disappointing that the current reference to the value of heritage “*for its own sake*” which conveys the meaning of the historic environment to so many people is deleted in the proposed policy.

11. We urge amendments to the PPS which ensure consistency in approach with existing primary legislation and that the final PPS is underpinned by commitments to improve the quality and number of conservation staff and historic environment records to an agreed standard within two years of its publication. The investment and step change required to achieve this should not be underestimated.

### Significance and assets

12. The PPS places a new emphasis on defining and valuing the significance of the historic environment. While it is important to understand this overall public benefit there is a serious risk of moving away from the current policy emphasis on the asset and its value “*for its own sake*”. Without the heritage asset there can be no meaningful significance other than the meagre benefits of taking a record. There is also confusion over seeing the value of heritage assets purely in terms of their historic significance when, for example, they may make an important economic or other contribution. This positive contribution deserves much stronger recognition in the final policy

13. We urge amendments to the PPS which place the primary focus of planning policy on valuing and retaining heritage assets. This should:

- include recognition of “area based” assets as well as those listed in Annex 1
- recognise the particular importance of avoiding irreversible loss, perhaps by retaining the existing guidance in PPG15 that “*Once lost, listed buildings and other heritage assets cannot be replaced*”. This should apply to undesignated as well as designated assets.

### Heritage benefits

14. We welcome recognition of the broad range of heritage assets and the benefits they bring in Part 1 of the consultation paper (1.1-1.3) but these are not fully reflected in the draft PPS. It is regrettable that this is not followed through in important aspects of the draft policy – notably

- the lack of recognition of the “utility value” of heritage assets in HE9 which also underpins the significant economic contribution which it makes
- the lack of recognition of the intrinsic value of heritage which was recognised in PPG15 in terms of the value of heritage “*for its own sake*”
- the implication in HE9.7 that there is no other public benefit from heritage assets than their significance

- the need more strongly to recognise the value of heritage to local pride, identity and sense of community
- limited recognition of the benefits provided by a high quality historic environment over and above the benefits of individual buildings or other particular heritage assets. This is most notable in the lack of regard to the contribution of the historic environment to sustainable urban forms by comparison with the attention given to the energy efficiency of individual buildings. There is further concern that the PPS does not recognise that the occasions when the gains in thermal efficiency from demolition and construction are more significant than the loss of a heritage asset will be exceptional, not least because of the high energy performance of older buildings. As a result it gives rise to an unnecessary antagonism between adapting to and mitigating climate change and conservation and management of the historic environment
- the confusing guidance in HE9.8 which will lower the bar of protection and have unfortunate side effects – especially in respect of the vagueness of the potential other “*reasonable uses*” of sites with heritage assets and the extent to which there is “*clear evidence*” that other viable uses can be found in the “*medium term*”
- the universal need for all local authorities to set out policies for the historic environment, not just “*where appropriate*” (HE3.1) and for this to draw on landscape and historic characterisation at the local as well as regional level
- the lack of attention to the importance of conservation areas which are one of the most widespread and publicly recognised aspects of heritage protection and a source of immense social, economic and environmental benefit
- local authorities should not be dependent on applicants providing information on the significance of the heritage assets impacted by a proposal – it gives rise to too strong a conflict of interest. HE8.3 should also be strengthened to enable local authorities to reject applications on precautionary grounds due to inadequate information being available through the HER or from applicants.

### Policy presumptions

15. We understand that it is the Government’s intention to maintain a presumption in favour of the retention of heritage assets. This is welcome but the draft PPS is confusingly worded in both HE9.8 and HE10.1 and we believe it weakens protection in a number of areas.

16. We are particularly concerned by Policy HE10.2 which creates, perhaps unwittingly, a two tier approach to the protection of even designated assets, with the implication that, for example, Grade II buildings are of only local importance and damage to conservation areas is not exceptional.

17. We would also ask that the current policy in PPG15 that the material loss of outstanding buildings be “*almost inconceivable*” is retained. We also urge retention of current policy that the loss or substantial loss of a listed

building “*would require substantial benefits for the community which would decisively outweigh the loss resulting from demolition*” (PPG15, para 3.17, emphasis added).

18. We would also wish to see retention of the current approach in PPG15 relating to conservation areas that “*The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area*”.

19. There is widespread dismay within the civic society movement about these changes and we strongly urge greater clarity in the final policy statement. To do otherwise will weaken the approach, which is not the Government’s stated intention. We urge the final PPS to include a clear presumption in favour of the retention of heritage assets whether designated or not and that the level of protection afforded by current policy to the full range of heritage assets is not weakened in the manner proposed.

#### Local importance

20. We welcome recognition of the role of amenity societies in HE9.2 and ask that this explicitly embraces “*civic and amenity societies*” as this is the more frequently used term and it avoids confusion with the “national amenity societies”.

21. We also welcome the emphasis in HE9.3 on seeking the views of the local community where there is reason to believe assets have a significance which may not be understood from records or statutory consultees alone. This complements the wish expressed in the Heritage White Paper to “*encourage the use of local designation to provide communities with the opportunity to identify and manage those aspects of their heritage that are important to them.*” (para 56) The Introduction to the consultation paper (paragraph 4) also recognises the value of undesignated assets but this is not carried through into the draft PPS. A current example is the Bowstring Bridge in Leicester which has not been listed but is of immense local value and is now being demolished for the lack of appropriate safeguards (see [www.leicestercivicsociety.org.uk](http://www.leicestercivicsociety.org.uk)). Given the importance of this issue we would welcome a clearer and more assertive policy framework to encourage use of local designations.

22. We urge the final PPS to include a section providing the policy framework for increasing the use of local designations and engaging the local community in identifying the heritage which is of value to it. This should include specific reference to the role of local civic and amenity societies.

#### Consultation questions

23. We do not find the structure and wording of the questions raised by the consultation paper helpful in conveying our views on the draft PPS. Nevertheless, our headline response to the questions is as follows:

1. No – it is a weakening of current guidance
2. No – it risks introducing confusing and ambiguity to the system
3. No – these would require a strengthening of the level of protection and greater clarity than is proposed and support for landscape and historic characterisation at a local as well as regional level
4. No – the guidance needs strengthening in a number of areas – notably in relation to undesignated and locally important assets
5. Partly – significance has a role to play in assessing the value of heritage assets but it does not address the full picture and risks introducing ambiguities and demands for skilled staff and Historic Environment Records which cannot be satisfied
6. No – a much clearer and more assertive policy framework is needed for identifying local heritage assets and involving local civic societies
7. No – it focuses almost exclusively on energy performance of buildings, underestimates the energy efficiency of older buildings and does not address the key contribution of a high quality historic environment to supporting sustainable urban forms
8. No – its introduces confusing, ambiguous and contradictory terminology which departs from statute, is poorly understood within the professions and lacks the skills and resources for delivery
9. No – the approach is dependent on having accessible and effective Historic Environment Records and the skills to use them and this is palpably not the case and will not be so in the foreseeable future without a significant boost in resources and priority
10. No – the wider value of the historic environment and the importance of undesignated and locally important heritage assets is not “future proofed”
11. No – there are particular gaps in recognising the gaps in skills and competencies in local authorities and in the need for effective Historic Environment Records. There is also a need to recognise the extra delay and confusion that will result from the confused and ambiguous wording and introduction of new concepts of significance
12. No comment