

ENGLISH HERITAGE

Sangeeta Sofat
Review of Planning Practice Guidance
Department for Communities and Local Government
1/11 Eland House
Bressenden Place
London SW1E 5DU

8 February 2013

Dear Ms Sofat,

THE GOVERNMENT'S REVIEW OF PLANNING PRACTICE GUIDANCE: ENGLISH HERITAGE CONSULTATION RESPONSE

English Heritage very much welcomes the Review of Planning Practice Guidance in simplifying and clarifying the guidance available for all who engage with the planning system, and its commitment to concise, up-to-date, proportionate, accessible and clear guidance, but has serious concerns about the level at which guidance on the heritage elements of the National Planning Policy Framework is set.

I Summary

English Heritage (EH) has been working with the Historic Environment Forum (HEF), a broad grouping of bodies that includes conservation and development interests, in the development of guidance to support the NPPF.

In preparing draft guidance to support the implementation of the NPPF, the HEF and EH have always envisaged that either the whole or vital parts of it would be adopted as Government's guidance. English Heritage believes that without Government adopting some guidance on the historic environment within its Planning Practice Guide heritage protection levels will be harmed and the full potential for sustainable development in and around heritage assets will not be realised.

The obvious inference from the structure proposed in the Taylor report is that guidance outside of the core Government-branded guidance holds less weight. It is therefore vital that what goes into Government guidance is logically consistent and not arbitrarily distinguished by topic boundaries. To create a distinction based on topic areas would be to give weight to some aspects of planning policy over and above others in a way not intended by the NPPF

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itself. It would disturb the careful balance struck in the definition of ‘sustainable development’.

EH endorses the principles set out in the Taylor report as to what should be in Government guidance and what should appear in supporting sector guidance.

Accompanying this response is EH’s suggestion as to the guidance that should appear in the Government’s Planning Practice Guide following those principles. It is small in volume, but vital to the proper application of the NPPF policies as Government intended.

It would be wholly unsatisfactory if Government decided not to include any heritage related guidance in the Planning Practice Guide, but decided instead only to endorse guidance produced by EH or EH and the HEF. Such an endorsement clearly cannot be interpreted as giving the same weight to the sector guidance as should be given to Government guidance itself. If it were somehow interpreted as giving the same weight, then all such endorsed sector guidance would have been in effect incorporated by reference into the Government guidance, greatly expanding its size and breaching several of the key principles of the Taylor report.

So, EH believes that the only way to maintain heritage protection is to include in the Government Planning Practice Guide guidance of the type set out in the attachment to this consultation response.

Separately, the Review Group has recommended the revision of the World Heritage Site circular (Circular 07/2009) and consolidation of the process material which is currently contained in Circulars 08/2009, 09/2005 and 01/2001. Both pieces of work should enable much more concise statements to be issued. Any material changes to the directions on notification of applications, and on the World Heritage Site Circular, beyond consolidation will need to be widely discussed and consulted on.

EH is currently also carrying out a thorough review of its own guidance to ensure that it too is necessary, concise, up-to-date, proportionate and clear.

We begin with discussion of the three main historic environment guidance documents proposed for replacement:

- PPS 5 Planning for the Historic Environment: Historic Environment Practice Guide (2010): Annex C, Document 31
- DCLG Circulars 08/2009, 09/2005 and 01/2001: Arrangements for handling Heritage Applications – Annex C, Documents 40, 71 and 85
- Joint Circular with DCMS 07/2009: Circular on Protection of World Heritage Sites (2009) – Annex C, Document 41



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2 Replacement for the PPS5 Practice Guide

English Heritage agrees that historic environment guidance to the NPPF should be set at three levels:

- Government Planning Practice Guidance on a small number of vital issues;
- a concise planning practice guide with sector endorsement that expands on those and other matters; and,
- technical guidance, including case studies.

Historic Environment Guidance in the Government's Planning Practice Guidance

For the reasons given in the summary, EH believes that to maintain heritage protection core guidance of the type set out in this consultation response should be included in Government guidance. We append a list of essential matters which we believe have to be included in the Government's Planning Practice Guidance (Annex A). The guidance issued by the HEF would obviously need to take account of the guidance in the Government's Planning Practice Guidance.

Practice Guidance, developed by English Heritage with the support of the Historic Environment Forum

EH is very glad to see that the suggested approach of sector-wide development of guidance has been endorsed by the Review Group in discussion of the proposed replacement of the Historic Environment Practice Guide to the previous PPS 5 (*Planning for the Historic Environment*) (Annex C: document 31).

The Historic Environment Forum has worked with English Heritage to develop guidance to support the heritage chapter of the NPPF since it was first published in draft, which could replace the Historic Environment Practice Guide to the previous PPS 5 (*Planning for the Historic Environment*). It is well able to do this as it is the high level cross-sectoral committee which brings together chief executives and policy officers from public and non-government heritage bodies to strengthen advocacy work and to co-ordinate initiatives of this kind. The drafting group takes in professional bodies, such as the Institute for Archaeology and the Institute of Historic Building Conservation and related bodies such as the Joint Committee of Amenity Societies, the Council for British Archaeology and the Association of Local Government Archaeological Officers; owners' and development groups, including the British Property Federation, the Country Land and Business Association and the Historic Houses Association; and other groups including the National Trust, the Historic Towns Forum and Civic Voice.



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Prior to the end of the consultation on the Taylor Review and the Government's final decisions on the form of guidance, it has not been possible to finalise the drafting group's suggested guidance but we are proposing to consult on the draft guidance this spring.

This guidance must be signposted within the Government's Planning Practice Guidance, as the Review Group suggests (Recommendation 9).

3 DCLG Circulars 08/2009, 09/2005 and 01/2001 Arrangements for handling Heritage Applications

Circulars 08/2009, 09/2005 and 01/2001 contain important material in terms of the directions for consultation by local planning authorities of applications for planning permission and listed building consent affecting the historic environment. English Heritage considers these to be important safeguards and whilst there may well be scope for efficiencies, any reorganisation or streamlining would need to ensure that there is no consequent loss of protection for the historic environment.

4 DCLG Circular 07/2009: Circular on Protection of World Heritage Sites

We agree that there is merit in retention of a Government statement on the relationship between the planning system and World Heritage Sites, drawing on material in the circular on the Protection of World Heritage Sites (circular 07/2009) and the accompanying English Heritage guidance note. The resultant document could be much streamlined without resulting in any loss of protection.

5 Consultation Questions

1. Do you agree with the recommendations of the Review Group overall?

English Heritage agrees with the overall recommendations of the Review Group, subject to concern that vital guidance concerning the historic environment aspects of the NPPF is included in the Government's Planning Practice Guidance.

2. Do you agree with the proposed recommendations for a much reduced set of essential practice guidance in the format recommended? (Recommendations 1, 2, 3, 5, 6)

Yes, though we have considerable reservations about any Government Planning Practice Guidance which omitted consideration of one or more of the core planning principles of the NPPF (see Section 2 above).



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3. Do you agree that standards for future Government Planning Practice Guidance should be implemented by the Chief Planner in DCLG, but with decisions on what to include within guidance still taken by Ministers?

Yes, we agree that this is a sensible approach in order that full weight can be accorded to important areas of guidance and to ensure clarity.

4. While access to all planning guidance online will be free of charge, do you think it would be appropriate to offer planning professionals an additional service involving immediate notification of every revision to the guidance, and to make a small charge for this service? (Recommendation 6)

Yes, as long as all changes are also appropriately flagged on the guidance website, to ensure that the sought-for clarity in the guidance is not hampered and that members of the public and interest groups are not hindered in accessing up-to-date guidance.

5. Do you agree that the new web-based resource should be clearly identified as the unique source of Government Planning Practice Guidance? (Recommendations 7-9)

This is surely essential in order to ensure clarity as to what material actually is Government Planning Practice Guidance, but also as long as the guidance website 'signpost(s) organisations providing best practice guidance and other guidance in relevant areas' (as specified in Recommendation 9, which gives the example of links to heritage organisations associated with the NPPF section on heritage).

6. Do you agree with the recommended timescales for cancellation of guidance and new/revised guidance being put in place? (Recommendations 10-13)

The sooner the better, though speed should not be to the detriment of appropriately considered content.

7. Do you agree with the recommendations for cancellation of existing guidance documents? are there specific, essential elements of current guidance material that should in your view be retained and considered for inclusion in the revised guidance set? (Recommendations 14-16)

We agree with the recommendations for cancellation of existing guidance documents, with the provisos set out in the Annexes to the Review Group's report.

8. Do you agree with the recommended priority list for new/revised guidance? (Recommendations 17-18)

Yes. English Heritage assumes that up-dates to guidance on development management as it is affected by legal changes following change in statute or other legal change will be



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incorporated in the Government's Planning Practice Guidance as appropriate (as mentioned implicitly in Recommendation 6). The current Enterprise and Regulatory Reform Bill is, for instance, proposing changes to the law surrounding listed buildings and conservation areas and it will be useful to give guidance on these changes. These will be covered in the list of core topics for the Government's guidance resource which EH is developing for DCLG.

9. Are there any further points you would like to make in response to the Review Group's Report? Do you have any additional ideas to improve and/or streamline planning practice guidance?

Please see sections 2, 3 and 4 above.

Yours sincerely,

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18 January 2010
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Annex A: Essential Historic Environment Material for the Government Planning Practice Guidance

Notes:

- a) The paragraphs below are, in the view of English Heritage, the minimum of points which need to be covered in the Government's Planning Practice Guidance to meet the objectives set out in the Taylor report for Government guidance of explaining complex policy requirements and supporting effective plan-making and decision-taking under the NPPF. They have been chosen as the minimum necessary:
 - a.1. to clarify the 'ground rules' – points in the NPPF that we know from experience need elucidation as to their application;
 - a.2. to explain complex policy requirements not otherwise explained in the NPPF, thereby clarifying approaches so as to ensure that decisions are informed by reasonably required and proportionate supporting material; and,
 - a.3. to ensure consistency in the application of the NPPF policies.
- b) They are derived from draft Guidance prepared by EH with the assistance of the Historic Environment Forum.
- c) We have deliberately not suggested any particular order to the points or any style or formatting preferences. They are numbered purely for ease of reference.
- d) We assume that in Government guidance on non-heritage-specific topics like sustainable development, the presumption in favour of sustainable development, design, housing, the natural environment, green belt, minerals, plan-making and decision-taking, the role of heritage will be incorporated into the related guidance for those areas, as it is in the NPPF. We have not suggested any text for those sections.

- I. A draft Local Plan may be considered unsound if:
 - a. There has been no proper assessment of the significance of heritage assets in the area, including their settings, and of the potential for finding new sites of archaeological or historic interest¹,
 - b. There has been no proper assessment to identify land where development would be inappropriate because of its historic significance², or
 - c. The plan does not contain a positive strategy for the conservation, enhancement and enjoyment of the historic environment that is clearly identified as strategic³. Conservation is not a passive exercise. It requires a plan for the maintenance and use of the heritage assets and for the delivery of development within their setting that will make a positive contribution to local character and distinctiveness. The delivery of the NPPF objective may also require strategic policies on use, design of new development, transport layout and so on. Indeed every aspect of planning conceivably can make a contribution to conservation. Plan policies in all topics should be assessed for their impact on the strategic conservation objective.

¹ NPPF, paragraph 169.

² NPPF, paragraph 157, seventh bullet-point.

³ NPPF, paragraphs 126 and 156.



Reason for inclusion: Explains a complex policy requirement which is spread over several NPPF policies and draws it all together, thereby assisting clarity and consistency of approach to an important plan-making function at the heart of sustainable development.

2. A strategy to conserve heritage assets potentially engages all aspects of planning, to achieve the positive improvements in the historic environment that the NPPF expects⁴. The strategy should also inform the identification of areas where development might need to be limited in order to conserve heritage assets or would be inappropriate due to its impact upon the historic environment⁵.

Reason for inclusion: Clarifies ground-rules so that there is consistency of approach as to the substance of a positive strategy for conservation, therefore giving clarity to local planning authorities and applicants.

3. Where relevant, Neighbourhood Plans need to include enough information about local heritage to guide decisions: what it is about a local area that people value and therefore requires protection. That information will need to be based on sound evidence. The information could include a description of the historic character of the area, as well as recording any heritage assets.

Reason for inclusion: Clarifies the role of heritage in Neighbourhood Plans, an area currently not covered by guidance (but this is suggested by the Taylor Review, Annex D).

4. Local Lists adopted into local plans are a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability of the potential for sustainable development.⁶

Reason for inclusion: This is an important encouragement from Government to use local lists to reduce uncertainty and add clarity to both the plan-making and decision-making process and therefore guide development to sustainable solutions.

5. It is helpful if local plans note areas of potential for the discovery of non-designated heritage assets with archaeological significance⁷. Where an asset is thought to have archaeological significance, the potential knowledge which may be unlocked by investigation may be harmed by even minor disturbance because the context in which archaeological evidence is found is crucial to furthering understanding.

Reason for inclusion: Explains how Government expects a complex policy requirement can be fulfilled, therefore giving clarity to local planning authorities and applicants.

6. Local planning authorities are responsible for identifying other non-designated heritage assets. A substantial majority of non-designated buildings and sites have little or no heritage significance. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process. Archaeological potential should, however, not be overlooked; it may be present in any site.

⁴ NPPF, paragraph 8.

⁵ NPPF, paragraph 157, seventh bullet-point.

⁶ NPPF, paragraph 135.

⁷ NPPF, paragraph 169.



Reason for inclusion: Promotes sustainable development by encouraging a clear, even-handed and proportionate approach to decision-making.

7. Local authorities must review their Conservation Areas from time to time⁸. A conservation area appraisal will help local authorities to develop a management plan and appropriate policies for the local plan. A good appraisal will analyse what features make a positive or negative contribution to the significance of the conservation area, thereby identifying opportunities for beneficial change or the need for planning protection.

Reason for inclusion: Clarifies ground-rules so that there is consistency of approach as to the substance of a positive strategy for conservation areas, therefore giving clarity to local planning authorities and applicants.

8. The international policies concerning World Heritage Sites use different terminology from the NPPF. World Heritage Sites are inscribed for their ‘outstanding universal value’ (OUV). The cultural heritage within the description of the outstanding universal value will be part of the World Heritage Site’s heritage significance and NPPF policies will apply to the OUV as they do to any other heritage significance they hold.

9. World Heritage Sites may be described by reference to their ‘attributes’. These are the component historic buildings and sites within the protected area and are heritage assets, in the language of the NPPF.

10. World Heritage Site management plans have been drawn up by a steering group in relation to each Site in England. They set out a strategy for the conservation of each Site and are therefore a material consideration in plan-making and decisions relating to sustainable development that affects such sites.

Reason for inclusion of 8, 9 and 10: Clarifies the meaning of expressions used in the World Heritage Convention in terms of the NPPF and satisfies the obligations of the UK as a signatory to the Convention.

11. Local planning authorities may wish to consider whether the use of an Article 4 Direction might enable the fulfilment of the NPPF conservation objective by bringing under control what might otherwise be harmful development.

Reason for inclusion: Clarifies ground-rules so that there is consistency of approach in a common area of article 4 usage, therefore giving clarity to local planning authorities and applicants.

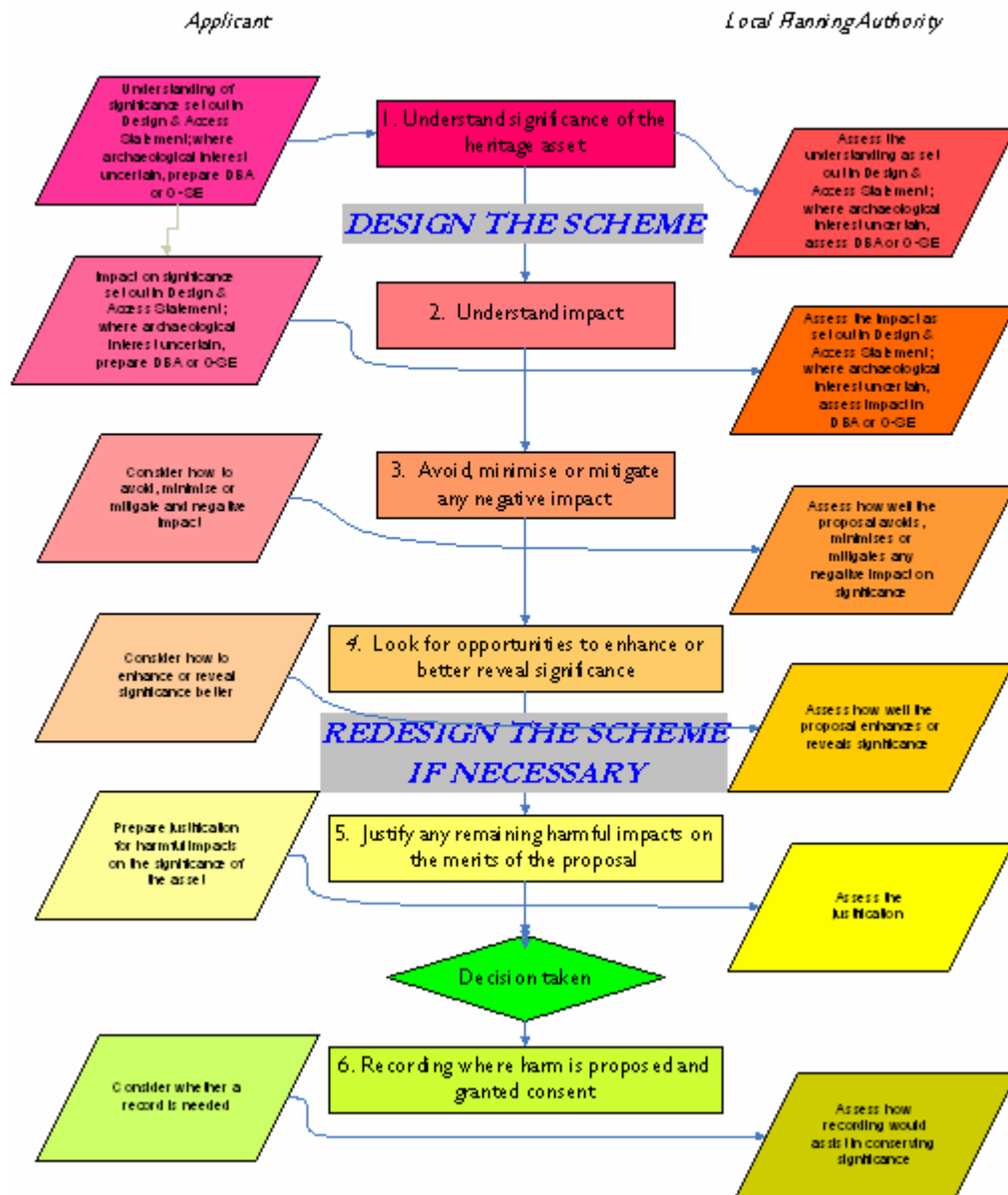
12. Sound decisions on applications for heritage consent will usually follow the steps below⁹.

⁸ Section 69 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

⁹ The sequence given here is necessarily truncated because it does not include more informal aspects of what can be a process of negotiation, including the need for open-mindedness and the process of modification of proposals which may arise.



Development Management in the Historic Environment: Considering an application for consent



Reason for inclusion: fulfils the role in helping to identify what information is required in different circumstances, to ensure proportionality and appropriately informed decisions.

13. In most cases the assessment of the significance of the heritage asset by the local planning authority will demand expert advice and information from in-house experts and/or experts available through agreement with other authorities, including the staff of Historic Environment Records, or consultants, complemented as appropriate by advice from heritage amenity societies.

Reason for inclusion: Clarifies the ground rules for local authority assessment in an area where consistency is needed to provide predictability for applicants.

14. The 'special interest' or 'national importance' or 'outstanding universal value' of a relevant designated heritage asset (terms used in some designation criteria) are its 'significance' or part of it¹⁰.

Reason for inclusion: Explains a complex policy requirement which is spread over various different statutes and the NPPF and draws it all together, thereby assisting clarity of approach for local planning authorities and applicants.

15. To help identify non-designated heritage assets during the decision-making process, LPAs are encouraged to develop and publish criteria that describe the heritage significance that would justify their status as heritage assets. These criteria may have been generated as part of the process of producing a local list. LPAs are encouraged to identify heritage assets not on a local list as early as reasonably possible in the consideration of any proposal.

Reason for inclusion: Promotes sustainable development by encouraging a transparent, accountable and proportionate approach to identifying development constraints.

16. Activity which impairs the prospect of a future archaeological investigation will harm the significance of a heritage asset with archaeological interest. This can make such assets, or parts of them, very sensitive to change. Expert advice will be needed to identify these sensitivities and assess how they can be worked around. This may apply to buildings as well as more commonly thought of archaeological sites. Conserving an archaeological site may be a less costly alternative to archaeological excavation and can provide a resource of archaeological interest for future generations.

Reason for inclusion: Explains a complex policy requirement which is spread over several NPPF policies and definitions and draws it all together, thereby assisting clarity and consistency of approach to a vital field of heritage protection.

17. The NPPF affords the conservation of some non-designated heritage assets of archaeological interest the same weight in decisions as that afforded to designated heritage assets¹¹. They will be identified by the local planning authority through the plan-making process or during the course of taking a decision. These are of three types:

- a. those that have yet to be formally assessed for designation;
- b. those that have been assessed as being capable of designation but which the Secretary of State has decided not to designate;
- c. those that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979¹² because of their physical nature. Information on location and significance of such assets is found in the

¹⁰ These terms are those used in statute or treaty for the significance of listed buildings/conservation areas, world heritage sites and scheduled monuments. 'Development' in the NPPF means any works or changes of use that require planning permission, listed building consent or conservation area consent, and references to 'applications for consent' mean applications for any of those consents. Planning permission, listed building consent and conservation area consent are all subject to the policies in the NPPF relating to designated heritage assets. Scheduled monument consent is subject to a stand-alone policy published by DCMS.

¹¹ NPPF paragraph 139.

¹² *The Principles of Selection for Scheduled Monuments*, published by DCMS, address the reasons why some nationally important monuments may not be scheduled.

same way as for all heritage assets. Judging whether they fall into this special category may be assisted by reference to the criteria for scheduling monuments¹³.

Reason for inclusion: Explains a complex policy requirement and facilitates a transparent and consistent approach increasing predictability of sustainable development potential.

18. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. Setting will generally be more extensive than curtilage and its perceived extent may change as an asset and its surroundings evolve or as understanding of the asset improves. The contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting.

19. For the purposes of spatial planning, any development or change capable of affecting the significance of a heritage asset or people's experience of it can be considered as falling within its setting. Understanding the impact of development within the setting on an asset's significance requires first an understanding of the contribution that the setting currently makes to the significance of the heritage asset.

20. The way we experience an asset in its setting is also influenced by other environmental factors such as our understanding of the historic relationship between places, by spatial associations, and by noise, dust and vibration. When assessing any application for development within the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.

Reason for inclusion of paragraphs 18-20: These are important explanations of points of policy principle which, since they were made by Government in PPS5, have been welcomed as giving rise to a consistent interpretation of this previously somewhat opaque but important concept. If not said by Government, that clarity may be lost as the NPPF policies will be open to differing interpretations again.

21. Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as satisfying the relevant policies within the NPPF and the development plan.

Reason for inclusion: Explains how NPPF policies mesh with statutory considerations, thereby assisting clarity of approach.

22. There will not always be opportunities to enhance the significance of a heritage asset, but the larger the asset the more likely there will be, such as in most conservation areas.

Reason for inclusion: The NPPF encourages enhancement 'where appropriate'. This guidance gives a sense of when that might be, reducing the risk of confusion or disproportionate demands to enhance when no reasonable opportunity exists or where 'enhancement' is not possible or desirable.

¹³ *Scheduled Monuments*, Department for Culture Media and Sport, 2010.



23. Putting heritage assets to a practical use is likely to lead to the investment in their maintenance necessary for their long-term conservation. It is generally desirable to put assets to their optimum viable use. Some assets have no practical use, such as war memorials. In a small number of cases a heritage asset may be capable of practical use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

Reason for inclusion: Explains a complex policy requirement which is not defined in the NPPF, thereby assisting clarity and consistency of approach in an area vital to defining sustainable development potential.

24. If there is only one viable use of a heritage asset, that use is the optimum viable use. If there is more than one viable use, the optimum use is the one that causes the least harm to the significance of the asset, not just through necessary initial changes but also as a result of subsequent wear and tear and likely future changes. The optimum viable use is not necessarily the most profitable of the viable uses. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use has nothing to do with historic environment policy and is a decision for the owner.

Reason for inclusion: Explains a complex policy requirement which is not defined in the NPPF, thereby enabling sustainable development potential to be readily understood.

25. The local planning authority will need to be satisfied that any harm to significance is necessary in order to deliver the claimed public benefits and that a different design, other mitigation or development of an appropriate alternative site would not deliver the public benefits in a more sustainable way. It will also need to be demonstrated that the claimed public benefits will flow from the development.

Reason for inclusion: Brings together the overarching objectives for sustainable development with the heritage-specific policies to set out a clear and consistent approach to decision-making leading to transparency as to sustainable development potential.

26. An obligation to record and further understanding of the significance of a heritage asset that is to be harmed or destroyed can be made enforceable through conditions, a planning obligation or a combination of the two. Completion of the stages of recording work may need to be tied to the commencement of development or occupation so that enforcement is practicable.

Reason for inclusion: Clarifies ground-rules so that there is consistency of approach as to decision-taking, thereby assisting clarity of approach for applicants and local planning authorities in an area where, in practice, a lot of conditions are not enforceable because of the way that they are framed.

27. Harm to significance may be justified on the grounds of public benefits that would only arise if the development went ahead, provided conflict between the conservation objective of the NPPF and the development proposal cannot be avoided. Public benefits will follow from many developments and could be anything that amounts to economic, social or environmental progress as described in the NPPF¹⁴. By definition, the benefits must though

¹⁴ NPPF, paragraph 7.



be of a nature and scale as to be clearly of benefit to the public at large and not just be a private benefit. Public benefits may also include heritage benefits, such as:

- a. Sustaining or enhancing the significance of a heritage asset and the contribution of its setting.
- b. Reducing or removing risks to a heritage asset.
- c. Securing the optimum viable use of a heritage asset.

Reason for inclusion: Explains a complex policy requirement so as to enable transparent and consistent decision-making and clarity as to sustainable development potential.

28. In assessing impact on a heritage asset or its setting what matters is the impact on the significance of the asset. The impact of total destruction is obvious. Partial destruction is likely to have a significant impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, any works to an asset and works affecting its setting have the potential to cause substantial harm. A key factor in determining whether the works constitute substantial harm is if the adverse impact goes to the heart of why the place is worthy of designation – why it is important enough to justify special protection. This has to be assessed at the time of the decision in all cases. Some more recent designation records contain a helpfully more fulsome explanation of the significance.

29. The loss of an individual building is much more likely to constitute substantial harm to a conservation area or World Heritage Site if it is of the type or character which makes the area worthy of its designation.¹⁵

Reason for inclusion of paragraphs 28 and 29: Explains a complex policy requirement which is not well-defined in the NPPF, thereby assisting clarity of approach and proportionality. This is the area most regularly debated in decisions since the NPPF was published.

30. Marketing is required to demonstrate redundancy of a heritage asset as expert evidence of possible purchasers and their intended uses for the site can never be conclusive¹⁶. The aim of such marketing is to reach all potential buyers who may be willing to find a use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but redundancy will not have been demonstrated.

Reason for inclusion: Explains a complex policy requirement which is not expanded upon in the NPPF, thereby assisting clarity of approach and proportionality.

31. Where the development requires the complete or very substantial demolition of a listed building, local planning authorities will need to ensure that development proceeds after demolition¹⁷. This can be done by a condition or a planning obligation that requires reasonable assurance that the development will proceed to completion before the demolition is allowed to take place.

¹⁵ NPPF paragraph 138.

¹⁶ NPPF paragraph 133.

¹⁷ NPPF paragraph 136.



Reason for inclusion: Clarifies ground-rules so that there is consistency of approach as to decision-taking, therefore giving clarity to local planning authorities and applicants.

32. Heritage Partnership Agreements and Local Class Consent Orders provide an alternative means of giving consent for works to a listed building. Policies in the Framework should be read as applying to the consideration of consent for works within these measures in the same manner as they apply to the consideration of listed building consent.

Reason for inclusion: Both these mechanisms to be introduced under the Enterprise and Regulatory Reform Bill give listed building consent. Government will need to say that it expects LPAs to apply the NPPF policies in deciding whether to grant listed building consent by these means.

33. Where an owner appears to have permitted a building to deteriorate deliberately in the hope of making consent or permission easier to gain, the local planning authority will need to disregard the deteriorated state of the asset¹⁸. In all other cases the condition of the property and its impact on viability will be a material consideration.

Reason for inclusion: Explains a complex policy requirement which is not well defined in the NPPF, thereby assisting clarity of approach and proportionality.

34. Local planning authorities may need to consider exercising their repair and compulsory purchase powers to remedy neglect, deliberate or otherwise. The potential to exercise these powers as an alternative means of conserving a heritage asset could be a material consideration in determining a consent.

Reason for inclusion: Explains a complex policy requirement which is not defined in the NPPF, thereby assisting clarity of approach and proportionality.

¹⁸ NPPF paragraph 130.



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