



## ENGLISH HERITAGE

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Planning Resources and Environment Policy  
Communities and Local Government  
Zone 1/B1  
Eland House  
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London SW1E 5DU

28<sup>th</sup> May 2010

Dear Ms Tipping,

### **CONSULTATION PAPER ON A NEW PLANNING POLICY STATEMENT: PLANNING FOR A LOW CARBON FUTURE IN A CHANGING CLIMATE: RESPONSE BY ENGLISH HERITAGE**

Thank you for consulting English Heritage on the draft consultation paper on a new planning policy statement "Planning for a low carbon future in a changing climate".

English Heritage is a non-departmental government body, which acts as the Government's lead advisory body for the historic environment and has a statutory role in the planning system. Central to our role is the advice we give to local planning authorities and government departments on development proposals affecting listed buildings, scheduled monuments, registered parks and gardens and conservation areas.

English Heritage does not wish this response to be treated as confidential.

Our responses to those consultation questions we consider relevant to our role are set out in detail below. Our "headline" comments on the draft are as follows:

- We welcome the proposed streamlined approach, but are concerned that policies providing protection to nationally designated sites, areas and landscapes in PPS 22 have been lost in the process.
- We are concerned by the omission of policies intended to protect the setting of national designations, particularly in terms of heritage assets and by the incompatibility of this approach with PPS 5.
- We are concerned that the draft PPS is not wholly compatible with the very recently agreed (and much scrutinised) policy HE 1 on climate change in PPS 5.
- We would welcome involvement in preparation of the practice guide to accompany the PPS.

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Our detailed comments on the consultation questions are set out below:

**1. Do you support the consolidation and streamlining of the PPS1 supplement and PPS 22 on renewable energy into a single planning policy statement?**

Yes, English Heritage supports this approach, subject to the detailed comments provided in this consultation response.

**2. Does the proposed PPS address sufficiently all the issues that planners face in relation to climate change? If not, what is missing and why?**

English Heritage considers that some changes to the draft PPS are required in order to provide adequate guidance to planners. These are set out below.

(a) We are concerned that, in streamlining guidance, some of the important safeguards provided for designated sites and landscapes in PPS 22 have been lost. We are particularly concerned that draft policy LCF 4.1 ii represents a significant weakening of protection and can see no justification for this in terms of the performance of regional and local planning policies against the very clear guidance provided by PPS 22. Nor are we aware of any formal review of the implementation of the PPS 22 policies that might have required a significant change of stance.

In addition, we do not consider the current wording of draft policy LCF 4.1 ii b to be a model of clarity. We would therefore recommend that the wording is amended and that it includes a clear statement that:

- local policies should ensure that developments that will compromise the purpose of national designations will be refused (c.f. PPS 22 paragraph 11).
- policies should have regard to the impact of developments in close proximity to nationally designated areas (c.f PPS 22 paragraph 14). Note that we return to the Issue of "setting" below in the context of conflicts with PPS 5.
- policies will seek to minimise impacts on all landscapes by encouraging development that considers the landscape impacts of siting and design (c.f PPS 22 paragraph 19-20)
- policies should take cumulative impacts into account (c.f PPS 22 paragraph 21).

(b) Our second concern is to ensure that individual PPS in the PPS series do not appear to be offering conflicting advice.

In this regard we believe there are some discrepancies between the draft PPS as it currently stands and the recently published PPS 5. Particularly serious discrepancies arise from draft policies LCF13.4 and LCF4.1 ii b and we deal with each in turn, below.

- The treatment of heritage assets in draft policy LCF13.4 is not consistent with policy HE 1 of PPS 5, as this applies to all heritage assets, not only those of "protected by an international or national designation". We therefore suggest that the draft policy is reworded to read:

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"Local planning authorities should support innovation which secures well designed, sustainable buildings. Some features which are essential for securing a low or zero carbon building, or adapting to impacts arising from changes in the climate, may give rise to concerns about incompatibility with an existing townscape. Such concerns by themselves should not normally warrant planning applications being refused planning permission although, where the concern relates to a heritage asset, decisions should have regard to Policy HE1.1 in PPS 5.2."

- Similarly, we have concerns about draft Policy LCF4.1 ii b, which requires Local planning authorities to ensure local criteria-based policies that will be used to assess planning applications for renewable and low-carbon energy and associated infrastructure "expect the scale and impact of developments in nationally recognised designations to be compatible with the purpose of the designation". While we welcome the principle of this policy, we consider the term "in nationally recognised designations" to be problematic as it conflicts with the policies on "setting" in PPS 5, most notably Policy HE 10. HE 10 recognises that development in the setting of a heritage asset can detract from the asset's significance and, therefore, to be incompatible with the purpose of the designation. In this context, it is particularly worth noting that, in contrast to nature conservation designations, which cover c. 9% of England's land surface), heritage designations cover significantly less than 1% of land and a far greater emphasis in policy terms is placed on the issue of setting. In order, therefore, to ensure policy LCF4.1 ii b is consistent with PPS 5 Policy HE 10, English Heritage recommends that it is reworded as follows:

"expect the scale and impact of developments **affecting** nationally recognised designations to be compatible with the purpose of the designation"

Alternatively, if this proposed wording conflicts with CLG's policy objectives, we suggest that footnote 16 is reworded to make it compatible with PPS 5 HE 10.

On a more minor point relating to footnote 16, we would also suggest that "protected wreck sites" (Wrecks protected under the Protection of Wrecks Act 1973) is added to the list of heritage designations as these can occur in areas subject to the draft PPS (i.e. intertidal areas and inshore waters subject to the terrestrial planning system).

In addition to our proposed amendments to these two draft policies, other changes could be made to the draft PPS in order to ensure an even closer "fit" with PPS 5. Amongst these we would suggest that:

- draft Policy LCF6.1 is also aligned better with Policy HE 1.1 in PPS 5 through the inclusion of an additional sub-clause, as follows

"viii. The potential for new development to offer opportunities to mitigate or adapt to climate change through the re-use or adaption of heritage assets in accordance with Policy HE1 of PPS 5".

- draft Policy LCF 11 should be amended by the addition of a new sub-clause as follows:

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"iv. in the case of development affecting a historic asset is consistent with policy HE1 of PPS 5."

- draft Policy LCF 13.2.i is amended to include an additional sub-clause as follows:

"d. including the appropriate sustainable adaptation of heritage assets".

### **3. Do you agree that this proposed PPS should continue to be a supplement to PPS1?**

Yes, English Heritage supports this approach.

### **6. We propose that sites that perform poorly against the criteria in policy LCF6.1 should not be allocated for development (with limited exceptions). Do you agree with this suggested approach?**

English Heritage is concerned by the implications of draft policy LCF6.1 iii in terms of implications for sustainable development in rural areas which, we believe, should take into account a wider range of sustainability Issues than travel demand. We would suggest for example that a live work unit established in a remote rural area in a converted traditional building (with the savings on energy and materials this represents) and sourcing its energy from local biomass might have a lower carbon footprint than a new build development located in a larger settlement. We would recommend, therefore, that some recognition is accorded in the draft policy to the need to take wider rural sustainability Issues into account.

We would also suggest that, in respect to flooding, draft policy LCF6.1 vii may be interpreted in too restrictive a manner by local authorities or statutory consultees on planning applications. There are numerous examples, in most major cities, of regeneration projects involving the adaptive re-use of historic structures in riverine or coastal flood plains with some element of flood risk. We would suggest that, in these cases, there is a trade-off between risks and the sustainable re-use of these structures and that the risks can be managed (for example through disaster management planning). We would recommend, therefore, that the draft policy is amended to acknowledge the need to maintain the vitality of historic urban areas. We would also suggest that an example of the regeneration of an historic structure in a flood plain, with appropriate safeguards in place, is included in the practice guide for the PPS.

### **10. Proposals for major new development that do not comply with the criteria set out in proposed policy LCF13 should normally be refused planning permission. Do you agree with this proposed approach?**

No, although English Heritage does not object in principle to an approach whereby applications that are non-compliant with Policy LCF 13 are normally refused, we cannot endorse the approach with the draft policy as it currently stands. As noted previously, the treatment of heritage assets in draft policy LCF13.4 is not consistent with policy HE 1 of PPS 5, which applies to **all** heritage assets, not only those of "protected by an international or national designation".



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We therefore suggest that the draft policy is reworded as follows, in which case we would be happy to agree the proposed approach:

"Local planning authorities should support innovation which secures well designed, sustainable buildings. Some features which are essential for securing a low or zero carbon building, or adapting to impacts arising from changes in the climate, may give rise to concerns about incompatibility with an existing townscape. Such concerns by themselves should not normally warrant planning applications being refused planning permission although, where the concern relates to a heritage asset, decisions should have regard to Policy HE1.1 in PPS 5.2."

**11. We have set out a positive framework for renewable and low carbon energy, including the factors in proposed policy LCF14, that should be taken into account in determining planning applications. Do you agree with these and are they sufficiently clear?**

English Heritage has some concerns about draft policy LCF14.2 viii. While we welcome the reference to the Green Belt and the recognition accorded to its protection, we find the absence of reference to other protected landscapes (National Parks, AONBs, Heritage Coasts) in LCF 14 and, indeed, the rest of the "Development Management Policies" section of the PPS counter-intuitive. The implication in a policy that is likely to be read as "stand-alone" is that the Green Belt is somehow privileged in policy terms, which we assume is not the intended message.

We hope these comments are helpful and would be delighted to discuss them further with CLG, if this would be of assistance.

Yours sincerely,



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