

**CAMBRIDGESHIRE COUNTY COUNCIL RESPONSE TO PLANNING POLICY
STATEMENT 15 – PLANNING & THE HISTORIC ENVIRONMENT**

To: **Cabinet**

Date: **20 October 2009**

From: **Executive Director: Environment Services**

Electoral division(s): **All**

Forward Plan ref: **n/a**

Key decision: **No**

Purpose: **To respond to the Department for Communities & Local Government on Planning Policy Statement 15 – Planning for the Historic Environment**

Recommendation: **That Cabinet:**

- i) Comment on and approve the attached response to the consultation as outlined in Appendix 1.**
- ii) To approve that the Cabinet Member for Economy and the Environment in consultation with the Director of Environment Services agree any minor changes to wording to reflect the discussion at Cabinet and if any issues further arise following the meeting before submission of the final response.**

<i>Officer Contact:</i>		<i>Member contact</i>	
Name	Quinton Carroll	Name:	Cllr Tony Orgee
Post:	Historic Environment Team Manager	Portfolio:	Economy and the Environment
Email:	quinton.carroll@cambridgeshire.gov.uk	Email:	tony.orgee@cambridgeshire.gov.uk
Tel:	01223 712335	Tel:	01223 699173

1. BACKGROUND

- 1.1 In 1990 the Department of the Environment published Planning Policy Guidance Note (PPG)16. This guidance note established archaeology as a material consideration in the planning process. PPG15, published in 1994, provided comparable guidance for the management of the historic built environment in the planning process. Both of these documents have been allocated for updating and incorporation into the more recent Planning Policy Statement system.
- 1.2 PPG16 is the primary tool used for the protection of Cambridgeshire's unique archaeological record. It underpins the advice the County Council provides to the District Councils through service level agreements, and on strategic and County Council planning issues. PPG15 is the planning policy guidance on the Historic Environment with a principal emphasis on the built heritage and its setting. This guidance is mainly implemented by Conservation Officers who, in Cambridgeshire, are based in the district councils.
- 1.3 The Government is currently consulting on a new draft Planning Policy Statement 15 which will result in a single policy covering both archaeology and the historic built environment, replacing both PPG15 and PPG16.
- 1.4 The PPS15 consultation draft is accompanied by a technical guidance document for implementation. This latter document has been produced by English Heritage and is classed as a 'living draft' and officers consider it needs extensive comment and revision.
- 1.5 The consultation period ends on 31 October 2009. It is anticipated that the final version will be published in 2010. This paper is restricted to the formal consultation over PPS15 itself, the basis of which was considered at Growth & Environment PDG on 16 September 2009. Views expressed by the PDG have been reflected in the final draft response. Additional input has been sought from the Council's Strategic Planning function.

2. MAIN ISSUES

- 2.1 A suggested response to the consultation is attached as Appendix 1. This is divided into two sections: firstly commenting on the broader content and principles of the document, and secondly answering the specific questions asked by the document.
- 2.2 The introduction of the PPS, and its aim of standardising and simplifying planning policy where development will affect historic environment assets is welcomed.
- 2.3 The following key points in the PPS are particularly supported:
 - The continuation of the importance attached to the historic environment and its position within the planning process together with recognition of its value to the national economy through tourism and its contribution to the cultural life of the nation. English Heritage estimate that in the Eastern Region 73% of the adult population have visited a heritage site over the past 12 months.

- The recognition that new sites of archaeological interest can be discovered through the development process and the need for this to be considered in the assessment of development proposals.
- The stronger recognition of the role of the Historic Environment Record (HER) as a key element of the assessment phase of a project.
- The emphasis on the potential of the historic environment to contribute to and promote local distinctiveness and a sense of place. This reinforces the importance of outreach and public involvement; our experience with Cambourne and other areas has shown that a connection with the past can help new communities relate to their localities.
- The recognition that sites not statutorily designated (for example as Scheduled Monuments) do not necessarily have lower significance and that non-designated assets could be as important as designated and treated in the same way.
- The statement that a documentary record of our past is not as valuable as a protected asset. Archaeological assets are vulnerable to damage that cannot be compensated, and an archaeological site cannot be reinstated.

2.4 There are some areas of the PPS that would benefit from further clarification and strengthening in order to reduce the potential for delay and inefficiency in the planning process. In particular:

- The draft does not adequately distinguish between managing historic built assets and managing archaeological assets within the development process. The former requires continuing use of the asset alongside sympathetic conservation, whereas archaeological management requires maximum understanding of assets through appropriate mitigation.
- A consequence of the above is that the PPS loses some key guidance and critical language unique to archaeological assets contained within PPG16, mainly the clear statement that the archaeological resource is finite and irreplaceable
- The importance of pre application engagement with historic environment professionals. This reduces potential for delays in the planning process by ensuring information held in Historic Environment Records is interpreted accurately and objectively, so appropriate responses can be developed at an early stage. This supports the importance on pre-application discussions at appropriate levels as expressed in Planning Policy Statement 1 (Delivering Sustainable Development).
- The importance of archaeological archiving. Investigations into historic environment assets can generate substantial archives, and the need to provide for adequate repositories is a known failing in the current system. This is especially relevant in areas such as Cambridgeshire where the intensive growth agenda is creating an increased pressure on our archaeological archiving capacity.

- The importance of reporting results of projects needs emphasising. HERs require ongoing updating and enhancement to maintain their effectiveness and as the repository for information about the Historic Environment. This is especially pertinent to historic buildings for coverage of these within the HER is not as comprehensive as for archaeological sites.
 - The process for community involvement, which would benefit local distinctiveness and promotion of sense of place, needs elaboration, as otherwise there is potential for delay in the planning process. Successful inclusion of community involvement could benefit National Performance Indicator 4 on local involvement.
 - Greater clarity in the policies concerned with climate change is required to minimise any conflicts of interest prior to the determination of an application.
- 2.5 The merging of the historic built and archaeological environments will require some reassessment of working relations with conservation colleagues in district councils, but the basis to encourage efficient working and successful implementation is already in place.
- 2.6 As currently presented, the imprecise language used in the PPS is a major weakness allowing for differing interpretations, which in turn leads to confusion for those who will have to both use it and implement it. Our experience with PPG16 has shown that where developers, planners and their advisers are operating within a clearly defined procedure, then the system flows smoothly, (though there are clear shortcomings in PPG16 – principally relating to the definition of archaeological requirements and the production of the archaeological record). PPS15 as presented does not offer that process, and it is recommended that a clear guidance or implementation be introduced once the final version of the policy statement is known.

3. SIGNIFICANT IMPLICATIONS

3.1 Resources And Performance

- There are concerns over some of the assumptions made on costs of implementation, and also on the current state of historic environment curation across the country, and these are raised as part of the overall response, see Part III, question 11.

3.2 Statutory Requirements and Partnership Working

- There are no significant implications for any of the headings within this category

3.3 Climate Change

- There are no significant implications for any of the headings within this category

3.4 Access and Inclusion

- There are no significant implications for any of the headings within this category

3.5 Engagement and Consultation

- There are no significant implications for any of the headings within this category

4 Recommendations

- 4.1 It is recommended that Cabinet approve the response to the consultation as outlined in Appendix 1.

Source Documents	Location
Planning Policy Statement 15 (Draft for Consultation) http://www.communities.gov.uk/documents/planningandbuilding/pdf/consultationhistoricpps.pdf	Weblinks included.
Planning Policy Guidance Note15 http://www.communities.gov.uk/documents/planningandbuilding/pdf/142838.pdf	Hard copies are held in: Barbican Room Park House Cambridge
Planning Policy Guidance Note 16 http://www.communities.gov.uk/documents/planningandbuilding/pdf/156777.pdf	

Appendix 1

Recommended Response to DCLG

Thank you for consulting us on the proposed Planning Policy Statement 15. Planning for the Historic Environment. Cambridgeshire County Council provides archaeology and historic landscape advice through its Historic Environment Team, which has Service Level Agreements with all the District Council Local Planning Authorities within the county. We do not currently provide Historic Buildings advice, except where such cases impact on wider historic environment issues.

Our response is divided into three components: our general views on the principles put forwards, detailed comment on individual policies and finally addressing the specific questions asked.

Part I – General Comments

We broadly support the PPS, and its aim of standardising and simplifying planning policy where development will affect historic environment assets is welcomed. We welcome the government's continuing commitment to the protection of the historic environment, and congratulate it on promoting the longer term benefits of sound environmental policies in the face of short term pressures arising from the current economic situation.

We particularly support the following key points in the PPS:

- The continuation of the importance attached to the historic environment and its position within the planning process together with recognition of its value to the national economy through tourism and its contribution to the cultural life of the nation.
- The recognition that new sites of archaeological interest can be discovered through the development process and the need for this to be considered in the assessment of development proposals.
- The stronger recognition of the role of the Historic Environment Record (HER) as a key element of the assessment phase of a project.
- The emphasis on the potential of the historic environment to contribute to and promote local distinctiveness and a sense of place.
- The recognition that sites not statutorily designated (for example as Scheduled Monuments) do not necessarily have lower significance and that non-designated assets could be as important as designated and treated in the same way.
- The statement that a documentary record of our past is not as valuable as a protected asset. Archaeological assets are vulnerable to damage that cannot be compensated, and an archaeological site cannot be reinstated.

It is our view that some areas of the PPS would benefit from further clarification and strengthening in order to reduce the potential for delay and inefficiency in the planning process. We would recommend greater clarity or emphasis in the following

areas:

- The draft does not adequately distinguish between managing historic built assets and managing archaeological assets within the development process. The former requires continuing use of the asset alongside sympathetic conservation, whereas archaeological management requires maximum understanding of assets through appropriate mitigation.
- Key guidance unique to archaeological assets needs to be restored to the PPS, especially the definite statement that the archaeological resource is finite and irreplaceable. This single sentence carries tremendous weight when dealing with historic environment issues, and can be easily remodelled to say “this historic environment is a finite and non-renewable resource”
- The importance of pre application engagement with historic environment professionals must be emphasised in line with PPS1. This reduces potential for delays in the planning process by ensuring information held in Historic Environment Records is interpreted accurately, so appropriate responses can be developed at an early stage
- The importance of archaeological archiving is understated and increased emphasis should be attached to this core curatorial activity. Investigations into historic environment assets can generate substantial archives, and the need to provide for adequate repositories is a known failing in the current system.
- The importance of reporting results of projects needs strengthening. HERs require ongoing updating and enhancement to maintain their effectiveness and as the repository for information about the Historic Environment. This is especially pertinent to historic buildings for coverage of these within the HER is not as comprehensive as for archaeological sites.
- The process for community involvement, which would benefit local distinctiveness and promotion of sense of place, needs elaboration, as there is potential for delay in the planning process otherwise.
- Greater clarity in the policies concerned with climate change is required to minimise any conflicts of interest prior to the determination of an application.

As currently presented, the language used in the PPS allows for differing interpretations, which in turn leads to confusion for those who have to both use it and implement it. Our experience with PPG16 has shown that where developers and planners are operating within a clearly defined procedure, then the system flows smoothly. PPS15 as presented does not offer that process, and it is recommended that clear and robust guidance on implementation be introduced to accompany the final version of the policy statement.

We support the increased role of Historic Environment Records within the planning process, but would ask for greater clarity and guidance. Additionally, there is some confusion about the extent of the existing HER network, in that not all authorities currently have access to a HER, and similarly the PPS as presented has been taken by some to read that all authorities should maintain a HER. We would suggest that the wording be changed to explicitly state that there is an obligation to maintain or

have access to a HER.

We also question the timetable for the introduction of the PPS. It appears that the document depends on a suite of supporting information that has yet to be consulted upon, and possibly yet to be written. We do not consider the accompanying Planning Practice Guide to be fit for purpose, and we will be responding directly to English Heritage on this. The PPS will need strong and specific guidance on its implementation to be successful, and perhaps final implementation should be delayed to allow this to be developed.

Part II – Detail comments

We draw your attention to some specific points within the document:

Paragraph 1.9: Underlying Principles

We are concerned about the use of testing the significance of a heritage asset on its historic, archaeological, architectural or artistic interest, without appropriate guidance. This is often subjective and a common cause of conflict between consultants and Local Authority curators.

Policy HE 1.2: Evidence base for plan-making

We welcome the inclusion of Historic Environment Records in this process, as it strengthens the role and purpose of these important assets. We would point out that the level of professional interpretation applied to the data it holds, something that the PPS could usefully emphasise, enhances the function of the HER.

Policy HE2.3: Regional planning approach

We welcome the recognition that the historic environment as part of a wider perspective alongside economic growth and housing supply.

Policy HE5.1: Permitted development & Article 4 directions

If Local Planning Authorities think that permitted developments could undermine the protection of heritage assets this PPS would benefit from providing advice on how to address this issue.

Policy HE7.2: Pre-application discussions and assessment

Whilst we fully support the use of pre-application work, the emphasis placed on the use of “appropriate desk based assessments” is unhelpful and in many cases likely to be superfluous and wasteful. Experience has shown that unless a desktop assessment is properly guided and instructed then its contribution is minimal. We suggest an alternate wording to say “Local Planning Authorities should require developers to conduct appropriate preliminary investigations as part of any application for consent.....”

We are pleased to see the promotion of HER as repository for reports.

Policy HE7.3

We consider the following sentence contains incorrect emphasis:

“There is no obligation on either party to do so but the benefits should be considered by both parties”

An suggested alternative wording is:

“There is no obligation on either party to do so but the benefits gained by pre-determination discussions and physical evaluation, where appropriate, should not be underestimated and could ensure that the consideration of an application could occur more rapidly.”

Policy HE8: Information required for the validation of applications for consent affecting heritage assets

This appears derived from the recent introduction of Heritage Statements as part of the planning process. In our experience these have been of variable quality and have not provided the level of information required. The danger is that without proper guidance these will be treated as a tick box exercise for validation non-professional staff that will fail to meet the aspiration of the PPS by not undertaking work earlier in the process.

Policy HE 9.1: Policy principles guiding the determination of applications for development relating to all heritage assets

This would benefit from the inclusion of mitigation strategies where a risk or impact to the historic environment has been identified. These should be prepared and submitted to the local planning authorities for consideration as part of the determination process. By identifying suitable mitigation at this stage of the process, the overall planning system can be made more efficient,

Policy HE 9.3

The involvement of the local community of in the assessment of heritage significance is a welcome development. However it will need careful guidance on implementation to avoid it becoming an inefficient use of resources and the cause of delays in the development process. Local authorities should be encouraged to develop a mechanism to gather this input.

Policy HE 9.4 (& 9.8ii & 10.3)

The emphasis on enhancing and promoting the historic environment as part of an overall development is welcome, especially when considering the impact of larger schemes. The historic environment can play a significant role in place making and enhancing communities.

Policy HE 9.5 (& 9.8iii)

We recognise the importance of responding to the threats of Climate Change and the need to be aware of all its impacts, including the historic environment. We are concerned though about the singling out of this one agenda as a potential weakening of the overall level of protection to the historic environment. The balance between the two needs to be carefully guided, and again specific guidance on this is

recommended. Additionally, we consider that issues relating to climate change should be considered at the pre-application stage, so policies relating to this should be more properly located in Policy HE 7.

Policy HE 9.7

The use of comparative value ranking is very subjective, and can emphasise short-term benefits over long-term gains. . By their nature, buried archaeological remains are not easily value-ranked at early stages in the planning process. Again, such judgements would benefit from careful guidance.

Policy HE 9.9

This is a useful concept based on conservation of listed buildings and one that is welcomed in the wider historic environment

Policy HE10.1: Additional policy principles guiding the consideration of applications for development related to designated heritage assets

The PPS uses the word 'conservation' on several occasions, here included, to infer the act of mitigation on the historic environment. We are concerned this could lead to confusion. 'Conservation' in terms of the historic built environment has a specific meaning, whereas archaeological professionals think in terms of preservation usually carried out on the buried historic environment. We suggest a less pre-determined word is used.

Policy HE10.6

We welcome the recognition of the limitations of scheduling as a mechanism compared to listing, and the statement that not everything that is important is scheduled is a sound addition to the PPS. We would suggest though that the reference in footnote 14 to 'County Archaeologists be updated to read 'local authority archaeological curators'

Policy HE 11: Additional policy principles guiding the consideration of applications for development affecting the setting of a heritage asset

We support the inclusion of statement on setting and curtilage of buildings as areas of importance. However these should be made more explicit and may be better located in Policy HE 9.7

Policy HE 13.3: Policy principles guiding the recording of information related to heritage assets

The recognition that the mitigation process includes the publishing of any investigations and the deposition of any generated archive is welcome, and is an area lacking in the current system. We would suggest that it is emphasised that the costs of any mitigation would fall to the developer to avoid any misunderstandings. Additionally, we would suggest that an archive should be more than 'offered' to a museum or other body, as the curation of archives is the important final stage of the archaeological project.

Summary: Analysis & Evidence (page 29) quotes cost of £90,000 per annum for the creation and maintenance of historic buildings datasets within a Historic Environment Record. Whilst welcoming the realisation that extending HERs to fulfil this function will have resource costs, we query the basis of this figure and advise regional testing of the parameters. Similarly, an assumption made later in the document that additional costs to HERs can be met through fees charged to commercial developers (page 64). On what basis has this assumption been made?

Evidence Base Point 22

We would ask the basis of the assumption that demands of reactive casework will (over time) reduce. In order to aim for this, there needs to be a significant culture change across local authorities in streamlining the various processes used to manage the historic environment, especially in tow tier authorities such as in Cambridgeshire. The resources required to achieve this culture change need to be more accurately considered.

Part III - Answers to the specific questions asked:

Questions on which we would particularly like your views:

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

The PPS suffers from the assumption that conservation in terms of the historic built environment is the same process as preservation in terms of the buried archaeological environment. The use of the terms 'conserved' or 'conservation' throughout the text is not one that is best applied to archaeological remains as they suggest preservation in situ more than a range of options by which development threats can be mitigated. While the need to enable change should definitely be promoted, we believe that there should be an emphasised leading statement that an unrecorded loss of remains will not be acceptable, and that the historic environment as a whole is finite and non-renewable.

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

No - see answer to question 1 above. There needs to be greater distinction between the built and buried environments and the differing approaches to each. Whilst equally important, unless the distinction is made there is too much scope for mis-interpretation, deliberate or otherwise.

3) In doing so, does the PPS take appropriate account of the implications of the European Landscape Convention, and of the cultural dimensions of landscapes designated as National Parks and Areas of Outstanding Natural Beauty?

We cannot comment on this aspect of the PPS.

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?

We agree the **key** ones are covered, but require the inclusion of archiving and outreach as key issues alongside those present.

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

‘Significance’ is a difficult concept within archaeology, as the significance of any archaeological remains depends greatly on its context, quality and state of preservation, none of which can be adequately assessed without evaluation and assessment. Whilst we support significance as a concept, we believe that any decisions relating to archaeology have to be made with appropriate evidence and professional judgement.

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

We believe this to be the case, but would urge a reassessment of the financial models presented.

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?

The climate change agenda does not have the same ramifications for below ground archaeology as it does for buildings. Consequently there is a danger that the document implies that sustainable development/climate change issues are enabled almost regardless of the cost to historic environment resources, and that threats caused by development to comply with these agendas will be treated somehow differently to construction or damage threats – which they should not be. The agenda should be more tightly worded to enable Local Authorities to develop robust attitudes to the damage to or loss of Historic Environment resources whatever the threats to them are.

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?

Important risks envisaged by this combined PPS are that unless a memorandum of understanding can be brokered regarding recording practices for historic buildings between the archaeological community and conservation officers, and how conditions for formal recording requirements can be implemented, a disparity will remain regarding the level and type of recording of building fabric and structures. A lack of consistency in approach could seriously undermine this planning policy. Moreover, the publication and dissemination of recorded remains will need to be comparable as they are currently too discrepant, which, for instance, does not accord with the professional standards by which archaeological recording is undertaken.

That the HER is promoted as the repository for such documents (compared to the varied depositories used at present) is welcome, but archaeologists would argue that reports of recorded historic structures need to be more broadly published if any of

the present culture of 'preservation by record' is to continue under the new system and with some consistency by all workers in the Historic Environment.

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.)*

This PPS is trying to promote efficiency, greater speed of service delivery and faster, better building. There is a danger that the introduction of new elements, especially to the pre-application consultation process, such as local comment on significance, could undermine this unless undertaken in a properly structured way. There is a need for stronger steer on process that can be used to inform local delivery mechanisms.

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?*

Potentially yes. That the PPS is limited to statements of principle and policy helps to reduce its potential for obsolescence. If steps are taken to reduce the potential for inefficiency and indecision, then it could form a very sound basis for the development and implementation of local planning policies.

It does however seem to assume that the Heritage Protection Reform Bill will be forthcoming.

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?*

We are not convinced that the impact assessment fully reflects either the current position or future impacts. The figures given in Monetised Costs & Benefits for Option 2 (p.64) cannot be taken as averages from region to region, in particular those with large growth agendas, such as Cambridgeshire. We suggest selected Authorities conduct a review of the previous five years of project types, seeking their total costs from contractors and consultants to corroborate the impact assessment. This will allow a sounder basis to consider efficiency savings.

Other costings not included include the provision of adequate archiving capacity in museums and other bodies, and the impact on Historic Environment Records of the changing functions, both in terms of supporting pre-application enquiries and enhancing records.

It may be that these figures have factored into the impact assessment, but if so we would prefer to see this clearly presented.

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.

This appears to be a neutral report from an access and delivery point of view. We welcome the emphasis on local, involvement in heritage and the historic environment and believe this can only be advantageous.