



Changes to Historic Environment national planning guidance

CLG is consulting on draft PPS15: Planning for the Historic Environment. It is proposed that this single document will replace both PPG 15: Planning and the Historic Environment and PPG 16: Planning and Archaeology.

The draft PPS15 contains serious flaws which largely arise because the Government seems to be trying to introduce many of the changes, proposed in the abandoned Heritage Bill, through a change to national planning guidance rather than through primary legislation.

Probably the most significant change suggested is for the protection of non-listed buildings with architectural merit, such as Locally Listed Buildings. If the changes are adopted these will become part of what will be known as 'heritage assets'. A heritage asset is described as "a building, monument, site or landscape of historic, archaeological, architectural or artistic interest, whether designated or not". This will inevitably create uncertainty as Local Authorities would be able to take a flexible interpretation of a 'heritage asset' in order to refuse applications that will have an impact on such a building or landscape. This would be particularly significant for developers with sites in urban areas, particularly in places where there is a high proportion of historically important buildings as a greater emphasis will be placed on the protection of non-designated buildings which are considered to be of interest.

The aim is to streamline policy- and whilst the draft PPS15 is half the size of the combined PPGs 15 and 16, it will be supplemented by an English Heritage "Practice Guide to PPS15" which "*supports the policies outlined in the PPS with explanations and guidance but adds no new policies itself*".

Rather oddly the Practice Guide is described as a "*living draft, currently owned by English Heritage*" who are running the consultation on it. The English Heritage website advises that the final version will be published as a joint CLG / DCMS / EH document in parallel with PPS 15. The government hopes that the clear separation of policy and guidance will make the documents easier to use and understand.

Work is also continuing on revising the existing Principles of Selection (last updated March 2007 and which accompany the existing PPG 15) to provide guidance on how to select heritage assets for national designation.

The revised document will, in due course, accompany the PPS and will be supported by the English Heritage Selection Guides which can be found at:

<http://www.english-heritage.org.uk/server/show/nav.8833>

Whilst some of the proposed revisions to existing policy are to be welcomed, many aspects of the consultation do give rise to concern. If you live or work in or with a listed building or conservation area or somewhere where you consider you may be caught by the new definition of heritage assets you may want to review the consultations draft and make your views known to government. The draft can be found at <http://www.communities.gov.uk/publications/planningandbuilding/consultationhistoricpps>

The consultation period runs until 30th October 2009.

For further information please contact:

Catherine Davey on +44 (0)1483 734234 or catherine.davey@stevens-bolton.co.uk

The above information is designed to provide, for guidance purposes only, a general introductory summary of the subject matters covered. It does not purport to be exhaustive, nor to provide legal advice, nor should it be used as a substitute for such advice. It is essential that professional advice is sought before any decision is taken.

© Stevens & Bolton LLP October 2009