

Report of	Meeting	Date
Corporate Director (Business)	Development Control Committee	13/10/2009

## **CONSULTATION RESPONSE TO DRAFT PLANNING POLICY STATEMENT 15 (PPS 15)**

### **PURPOSE OF REPORT**

1. To inform Members of the draft Planning Policy Statement 15 (PPS15) and seek approval of the consultation response.

### **RECOMMENDATION(S)**

2. To endorse the consultation response.

### **EXECUTIVE SUMMARY OF REPORT**

3. The consultation response to Communities and Local Government (CLG) is that whilst the draft PPS15 is well intended, it is short on sufficient detail to be, at best adequate, as a tool for Local Planning Authority (LPA) staff, conservation professionals, developers and owners and, at worst, opens up a raft of loopholes for the unscrupulous or unwary to slip through. The result could be severely detrimental to our historic environment.
4. Many of the assumptions given in the impact assessment are either inaccurate or misleading.

### **REASONS FOR RECOMMENDATION(S)**

#### **(If the recommendations are accepted)**

5. To deliver a clear message to the Government that the draft PPS15 needs substantial reworking before it can be introduced as an effective planning tool.

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

6. Do nothing - accept the draft PPS15 as it stands. This would open up enormous loopholes and vagaries to a part of the planning system that is currently quite clear and unambiguous. Whilst it is recognised that there is a need for greater flexibility, particularly in response to issues of sustainability and climate change, it is felt that the level of guidance and the detail of the policies is too vague and the level of flexibility being suggested is too great.

### **BACKGROUND**

7. Members will be aware that Planning Policy Guidance (PPG) has been a tool for Local Planning Authority staff, owners and developers for many years. CLG is continuing its programme of updating and revising all the Planning Policy Guidance (PPG), replacing them



with Planning Policy Statements (PPS). Whilst the Historic Environment Bill has been indefinitely delayed from the Government's original timetable of including it in the 2008/9 legislative programmes, it is pressing on with reforms that do not need a change in primary legislation. PPG15, Planning and the Historic Environment and PPG16, Planning and Archaeology are to be replaced by a single PPS15. The principle difference, apart from two PPGs being amalgamated into one, is that the PPS only contains details of Policy. English Heritage has published separate guidance on the interpretation and operation of the policy in 'PPS Planning for the Historic Environment: Historic Environment Practice Guide'. The other difference is that the new PPS and the English Heritage Practice Guide put together are only 30% of the combined size, in terms of content, of the current PPG15 and PPG16.

8. It has been recognised that the current PPGs are both somewhat dated (published in 1994 and 1990 respectively) and excessively long. It is also recognised that the environment in which we operate has changed since these documents were originally drafted and that issues of sustainability and climate change are today of much greater importance.
9. The PPS has been drafted to support the principles outlined in the Government's white paper, Heritage Protection for the 21<sup>st</sup> Century (March 2007) which set out three central principles to reform:
  - a. The need to develop a unified approach to the historic environment
  - b. Maximising opportunities for inclusion and involvement
  - c. Supporting sustainable communities by putting the historic environment at the heart of an effective planning system.

The PPS aims to reflect these principles with a more modern, integrated approach, making no distinction between buildings and archaeology. This in itself is commendable, however care must be taken to ensure that not too much detail is lost in the drive for simplification. In an attempt to be more flexible and user friendly the resultant PPS is too vague and ambiguous. For example whereas PPG15 states that developments within conservation areas should 'preserve or enhance the appearance of the area', the PPS under policy HE9.4 states,

*"In determining individual applications, local planning authorities should take into account the desirability of enhancing the significance of heritage assets, securing their conservation for the longer term and utilising their role in place making".*

And in policy HE9.8,

*"Local planning authorities should not accept material harm to or removal of significance (i.e. demolition) in relation to a heritage asset unless: it can be demonstrated that the material harm to or removal of significance is outweighed by the wider social, economic and environmental benefits, including mitigating climate change, that may be delivered by the proposed development."*

Clearly whilst the same sentiment is intended in the PPS, it is not expressed in as clear and unambiguous language as found in PPG15. Attached to this report are two documents. The first gives a précis of the contents of both the draft PPS15 (in Black ink) and the English Heritage Practice Guide (shown in blue ink) and the second gives Chorley Council's proposed responses to the consultation (shown in red ink) in terms of the response to the specific questions (shown in black ink) asked in the report.

Report Author	Ext	Date	Doc ID
Ian Heywood	5533	October 2009	***

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Summary of PPS15 and English Heritage Practice Guide  PPS Consultation Specific Question Responses	September 2009	***	Attached with report