

Putting Policy into Practice

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The Government's Statement on the
Historic Environment for England 2010

Planning Policy 5: Planning for
the Historic Environment

Government 2010 statement

- appropriate and effective level of protection
- allowing well managed and intelligent change
- system of heritage protection to be effective, proportionate and fair

Legal context

- nothing in PPS5 changes existing legal framework
- nothing in PPS5 changes requirements and interpretation of the legal framework

Principles of assessment

- importance of assessment of significance
- approach to the assessment of significance of heritage assets and designated heritage assets is not new
- no fundamental change to past practice

Principles of assessment

- evidential, historic, aesthetic and communal values
- allowing well managed and intelligent change
- Heritage Assets distinct from Designated Heritage Assets

Heritage Assets

- definition in Annex 2
- Policy HE7 principles for determination relating to Heritage Assets
- basis for consideration of the merits of the proposal

Designated Heritage Assets

- for example, the Conservation Area as a whole is the Designated Heritage Asset, not an unlisted building within it
- the policy addresses the effect of the proposals on the significance of the Conservation Area as a whole

Approach in a Conservation Area

- does the element (unlisted building) contribute to the significance of the Conservation Area as a whole?
- does the proposal harm the significance of the Conservation Area as a whole? If so, does the proposal cause harm that is **less than substantial** (Policy HE9.4 applies) or **substantial** (Policies HE9.2 and HE9.3) apply

Approach in a Conservation Area

- **substantial harm** to the significance of the conservation area is a high bar as Policy HE9.2 starts on the premise of refusal
- if there is harm, whether substantial or less than substantial, weigh the balance of the public benefits of the proposals in their entirety (including Policy, obligations etc) against that harm

Approach in a conservation area

- weighing up the proposals – e.g. merits of replacement building – balance may lead to the conclusion that there is preservation or enhancement and hence statutory tests met
- only if there is substantial harm to the significance of the Conservation Area, which is not outweighed by the benefits of the proposals as a whole does Policy HE9.2(ii), concerning beneficial use, apply

Approach in a conservation area

- a material change to similar tests in former PPG15, paragraphs 3.16 to 3.19 which no longer apply (refer to Government response to public consultation)

Conclusion

- evolution not revolution
- a clear and proportionate approach to:-
 - a. assessment of significance; and
 - b. application of the new Guidance