

## PART 4: CONSULTATION QUESTIONS

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?

**No. The draft PPS would result in a highly undesirable weakening of the heritage protection system. The draft policy HE 10.1 apparently seeks to introduce a the principle of a sliding scale concerning a presumption in favour of conservation. In the highest position on this scale, draft policy HE 10.2 places scheduled ancient monuments, protected wrecks, battlefields, grade I and grade II\* listed buildings, and registered parks and gardens. That tiny proportion of Kent's heritage would be of little help in the ongoing task of seeking to conserve the County's legacy of fine historic towns and villages. Then, further down the scale would come the grade II category of listed buildings, that account for some 94% of the statutory list (PPG 15, para 6.6). At the very bottom of this scale, presumably, would come the vitally important unlisted buildings of character, that contribute so much to the appearance of our greatly appreciated Conservation Areas. The current position is that para. 4.27 of PPG15 states that "The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area". It is important that this general presumption for Conservation Areas should continue, without being weakened by a pecking order of categories. Also important to continue in place are the words in para. 3.17 of PPG 15. This states that: "There are many outstanding buildings for which it is in practice almost inconceivable that consent for demolition would ever be granted".**

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. The "single spectrum approach to historic assets" is unacceptable jargon, and does not take "proper account of the difference between types of historic assets". An Anglo-Saxon grave-mound, for instance, is a very different type of monument from a Victorian church. The latter is a building, while the former is an earthwork. Proper appreciation of the importance of such monuments, and their conservation, require different professional skills; architectural for one and archaeological for the other. The reference, in para. 1.9 of the draft, to "the outdated distinction between buildings and archaeology" seems rather too glib. There may well be a number of examples where there is an overlap. However, in many historic buildings cases archaeology is not an issue, and there are many archaeological sites that are most certainly not buildings.**

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?

**No. Landscapes, again, are not buildings and they raise issues that often need to be dealt with in a quite different way from the procedures set out in the historic buildings legislation. In practice, it is hard to see how the draft would do much, if anything, to assist in consideration of difficult landscape cases, such as wind farms in sensitive locations.**

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?

**No. Please see, for example, the response to question 1.**

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

**No. This is a woolly idea that should never have been put forward. The word “significance” has no place in the relevant heritage legislation. The law of the land is, on the other hand, clear on the matter of listed building consents, for example. In straightforward words, it places a legal requirement on local authorities to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”, when considering applications (Planning (Listed Buildings and Conservation Areas) Act 1990, section 16.2). It would be wholly unhelpful for a non-statutory document to introduce different and less specific wording, which could just prove to be a recipe for confusion.**

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

**No. The draft would be likely to make it more difficult for a local authority to succeed in a Conservation Area case on appeal, given unhelpful central government policies such as that referred to in the response to question 1.**

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?

**No. Please see response to question 3.**

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?

**No. The draft seems less intelligible than the explicit wording of the heritage legislation, or the straightforward guidance set out in PPG 15 and PPG16.**

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.)

**No. It would be naïve to call for local planning authorities to “require the applicant to provide a description of the significance of heritage assets affected and the contribution of their setting to that significance” (Policy HE8.1). Developers frequently do just that in any event, suiting their “experts” and their findings to suit their case, be it good or bad. More important are the words in para. 1.6 of PPG15 which reads: “Above all, local authorities should ensure that they can call on sufficient specialist advice, whether individually or jointly, to inform their decision-making and to assist owners and members of the public”. The somewhat bland wording of Policy HE9.3 is not seen as an improvement on that of PPG 15.**

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?

**No, most certainly not. It seems highly unlikely that a document on the lines of this draft would remain relevant for anything like the next 20 years. Indeed, it seems almost certain that it would not. Table 1, on page 39 of the draft, actually acknowledges this when it refers to “the risk that it may need to be revised in the short/ medium term”. There are several “developments on the horizon”, and not a distant horizon at that, which could have implications. Not least of these is the fact that a General Election is now only a few months away. Whatever may be the outcome of that, it seems likely that Ministers will change, perhaps bringing with them fresh and better ideas. The badly handled and poorly drafted so-called Heritage Protection Bill is currently on hold. It may or may not re-emerge. If it does, it may or may not do so in its present form, and it may or may not be changed by Parliament. It was a disgrace that the Bill was published for consultation without the key section on Conservation Areas, and Conservation Area Consents, in particular, remain something of an issue. Moreover, there is considerable public disquiet, not least within our own Federation, over Regional Assemblies and the regional spatial strategies that feature in the draft.**

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?

**No, the conclusion reached seems rather unlikely to materialise, although it may be that others with a direct involvement might be able to offer a more detailed view. Providing and maintaining a Historic Environment Record comprising “databases linked to a Geographic Information System, and associated reference material, together with dedicated staffing resource” (page 24), could well prove quite expensive. Para. 1.19 puts forward an opinion that such costs might be “offset by clearer policies in local authority plans, leading to greater certainty for developers”. However, there is no certainty that such hoped-for economies would, in fact, be realised. Indeed, it might well be that policies such as HE10, concerning the treatment of “non-designated assets”, could result in more uncertainty for developers, rather than less.**

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.

**No. Gender and race should not be issues in this context, and the draft seems rather lighter on disability than para. 3.28 of PPG 15.**