

**PLANNING AND THE HISTORIC ENVIRONMENT:
DESIGNATION AND GUIDANCE IN A CHANGING WORLD
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I know the programme has me down to talk about the review of PPGs 15 and 16 – and I will certainly do that – but I thought this was also a good opportunity to let you know where things are on one or two other issues that are likely to have implications for the historic environment.

So first I thought I'd say something about why the Government considers the historic environment is important, then say something about how we have got to where we are today. I'll then talk about the review of the PPGs and then run through some other emerging proposals that will have an effect on the historic environment.

Context/background

So how does the historic environment fit into the Government's wider agenda? Well, conservation can offer attractive living conditions which in turn encourages internal and inward investment. It means that businesses want to stay in an area and it encourages new ones to start up. The historic environment can also act as a focus for regeneration and can help to revitalise areas. It is of course of huge importance to inward and domestic

tourists and is a major reason why people want to visit this country. This also opens up significant employment opportunities.

In addition, appropriate conservation and maintenance of the historic environment can help to create urban and rural areas that are attractive, interesting and varied, and enhance the quality of life. Making the best use of existing resources can also help reduce pressure for land-take and the need for raw materials.

The historic environment also has a role in the Government's social agenda. It can become a focus of community identity and pride and it can create a sense of local and regional distinctiveness. It also provides us with a huge reservoir for knowledge and learning opportunities.

Current position

I think it is fair to say – compared with some other areas – that the Government's policy on the historic environment has been fairly stable for quite a while. But that's certainly not the case now. There have really been two main drivers for change in recent years. The first was the review of heritage policy announced by DCMS Ministers towards the end of 1999. And then there are the planning reforms which were first announced by ODPM Ministers in the Planning Green Paper in December 2001. More recently, of course, we have the designation review which is also likely to have a significant impact on Government policy on the historic environment.

The heritage review was the opportunity for the sector to let Government know how effective our policy was for the historic environment and how it might be improved. Stage 1 was led by English Heritage but reflected the views of the whole sector. *Power of Place* was the end result of that first phase and it came up with a whole range of recommendations aimed not only at central Government, but at local government and the sector itself.

That then brings us to *A Force for Our Future*. It was not a direct response to *Power of Place*, but took into account its recommendations. It came up with a new vision for the historic environment and set out a programme of action to help deliver that vision.

A Force for Our Future made it clear that the vision would not be realised without clear and effective **Leadership**. That meant closer and more effective working between DCMS, ODPM, DEFRA and English Heritage. It also meant that local planning authorities would have a key role to play in setting the right example. And it asked English Heritage to produce the first ever State of the Historic Environment Report which was published in November last year. If the historic environment is to be managed effectively, we need to know what's out there and what condition it's in.

A Force for Our Future also identified the importance of **Education**. Education in the sense of increasing opportunities for people to pursue their interests in the historic environment. But

also education in the sense of passing on to future generations the traditional craft skills needed to sustain the historic environment.

The section on **Including and Involving People** was all about making the historic environment accessible to all sections of society. The MORI poll carried out as part of the first stage of the heritage policy review concluded that many people could not relate to the historic environment. It simply did not mean anything to them. So *A Force for Our Future* came up with a number of recommendations to increase the accessibility of the historic environment, to make it something that all people could identify with.

A Force for Our Future also underlined the Government's firm commitment to an effective framework of statutory protection for the historic environment. Peter Beacham this morning has already talked about the designation review being taken forward by DCMS and EH, and Reuben has been explaining to you this afternoon where things stand on the research project looking at the case for a single consent regime. But other aspects of the existing arrangements were also identified for review. Among them were PPGs 15 and 16 and the case for standardising the administrative arrangements for planning permission, listed building consent and conservation area consent. I will come back to these issues shortly.

Planning Reforms

A number of these initiatives were also mentioned in the Planning Green Paper which was issued within a day of *A Force for Our Future*. The Planning reforms set out in the Green Paper arose because Ministers were concerned that the present system was not doing what was needed for the twenty first century. The current arrangements were seen as too complicated, too slow and they engaged insufficiently with local people. So the proposals that were first floated in the Green Paper – and then in last summer's Planning Statement - were aimed at producing a better, simpler, faster and more accessible system that served the interests of local communities and business alike.

Review of PPGs

Among the proposals in the Planning Green Paper was the commitment to review all Planning Policy Guidance Notes - PPGs and Minerals Planning Guidance Notes - MPGs. The intention was to make our policy guidance more focussed and to separate out the key policy messages from the rest of the information contained in the existing documents. PPGs 15 and 16 were identified as two of the first to be reviewed.

The only issues that were clear at the outset were that the two documents would be combined, that we would make the policy clearer in a new Planning Policy Statement - a PPS rather than PPG – that we would put the procedural advice elsewhere (in supporting guidance), and that the emphasis would be on Planning policy. We had also said in *A Force for Our Future* that

we remained committed to the policy principles set out in the existing PPGs.

We realised very early on in the review that we stood a much greater chance of ending up with a sensible document if we tapped into the expertise of the heritage sector. So we set up a Working Group to help us shape the new guidance and invited representatives with a range of interests across the sector, including archaeologists, conservationists, developers, as well as local and central government officials.

Because the PPS is intended to be a concise statement of policy, we wanted to make sure that we didn't overlook any key message when redrafting the new-style document. We therefore asked the Working Group members to set out for us the key phrases in the existing documents that they:

- (1) would die in a ditch for;
- (2) thought were past their sell-by date; and
- (3) would like to see retained but perhaps with some amendment.

We had some really useful comments in response to this and that enabled us to produce a first initial draft which we then circulated to Working Group members. One of the criticisms of the first attempt was that the policy message failed to encompass all aspects of the historic environment adequately – the sections on archaeology in particular were still seen as too separate and not fully integrated. We tried to rectify this in the second draft which

we again circulated to Working Group members. At the same time, we sent it for comment to other Government Departments, the Planning Inspectorate and the Government Offices. We again received a lot of really useful feedback in reply to this second stage.

So where is the long-awaited draft number three? Well, as you know from Peter's presentation this morning, there's the small matter of the DCMS/EH designation review. This means that the PPG review has had to take account of the work that is fast gathering pace on that review. By the same token, information on the unification research which Rueben has talked about needs to be fed into the designation review, and vice versa. We have therefore been working very closely with colleagues in DCMS and EH, as well as others from across the sector, to ensure that each review is informed by the others.

We have not yet decided when we will be going out to public consultation on the draft PPS 15 and supporting Guidance. One option might be to go out to public consultation at the same time on both the designation review and the draft PPS 15 and Guidance, although our Ministers have not yet decided whether they wish to adopt this approach. Whenever we do consult, I can assure you that there will be plenty of opportunity to for all of you to have your say.

Other initiatives

I thought it might now be helpful if I were to run through a few other current initiatives that impact on the historic environment. These include: a review of Statutory Consultees; work on prescribed applications forms; a review of permitted development rights as set out in the General Permitted Development Order; the reviews of standardisation and unification of consent regimes; and a number of items for which we are seeking changes to primary legislation by means of the Planning and Compulsory Purchase Bill.

Review of statutory consultees

I've already mentioned that Ministers were concerned that the current system was too slow, and statutory consultees – including English Heritage - were identified in the Planning Green Paper as a major potential source of delay in processing applications. The Planning Statement that followed said that we would look closely at the number of consultees and the circumstances in which they are consulted. But there was no presumption that the number of consultees should be reduced. I should also perhaps make it clear that we are concerned here with those bodies that are required by statute to be consulted over planning applications. Ministers have already decided that they do not wish to make any changes to the existing arrangements for notifying certain bodies of listed building consent applications – the National Amenity Societies, for example.

There are two main elements to this exercise. First, we have been in touch with all statutory consultees and discussed with them

whether the criteria for local planning authorities consulting them is still appropriate. In the vast majority of cases, there is unlikely to be any change to the existing arrangements. We are about to go to our Ministers with the results of this part of the exercise and - subject to them agreeing - we will be going out to small scale consultation on the changes that will need to be made to the General Development Procedure Order. This will be followed with full public consultation on revised draft GDPO provisions.

The other key element will be introduced through the Planning and Compulsory Purchase Bill - that is a duty on consultees to respond to requests for advice on planning applications. The deadline for responding will be set in secondary legislation and is likely to be 21 days. If consultees miss their deadline, the local planning authority will be under no obligation to wait for their advice before determining the application. The new arrangements will require consultees to monitor their performance and to report to the Secretary of State.

Prescribed application form

We fully recognise that this is only part of the story. One issue that comes up time and again – not only in the context of the statutory consultee review - is the poor quality of applications submitted to planning authorities. This can have significant implications for all involved in the process. It means that authorities have to spend time going back to applicants to get the information they need in order to make decisions on applications, and that can have a direct impact on their performance targets. It

means that statutory consultees are often expected to provide advice on the basis of inadequate information. And it also slows down the whole process which leads to frustration with the system.

The idea of having user-friendly 'checklists' to address these concerns was widely welcomed when it was proposed in the Planning Green Paper. However, as we started to develop the idea, we realised that this would not address concerns that had been expressed about the proliferation of forms. And it would not help either with the delivery of an electronic planning system, in line with e-Government targets and our emerging work on the Planning Portal.

So the Planning and Compulsory Purchase Bill introduces a new power to allow the Secretary of State to prescribe application forms for planning permission and other consent regimes. The prescribed forms – which are the successors to the checklists - are intended to improve the quality of applications and reduce the need for an authority to spend time checking whether all the information is there that should have been submitted at the start of the process.

We are about to let a contract for a consultancy to look into this whole area. We want the consultants to identify what questions and explanatory text needs to be included in prescribed application forms. We also want them to consider whether separate forms are needed for different types of application – planning permission, listed building consent, adverts consent, for example - or whether a standard basic form with additional sheets

covering different consent regimes would be more efficient. They are also being asked to consider whether different types of development (for example householder or major applications) should have separate forms.

We also want to look at the way in which authorities acknowledge, register and validate applications. From what we hear, this stage of the process is not operated uniformly but it is something that is worth looking at if we want to make the system operate more effectively.

As I have said, we haven't yet let the contract, so the findings won't emerge for a few months. Much of the expertise in this area will be bound to come from the local government side, but we will also be bringing in other key stakeholders. As part of this, we will make sure that the views of the heritage sector are properly heard. And we will of course be going out to public consultation on any proposals for change in due course.

GPDO review

The Planning Statement also promised that we would update the General Permitted Development Order and make it more comprehensible. We decided to tackle this through a research project which is well underway and which is looking at existing permitted development rights to see if they are still appropriate. I suspect that a number of you have had the opportunity to make your views known direct to the research team. We have recently

received the draft report from the researchers. Parts of the report will be sounded out with a 'Sounding Board' made up of key organisations (including English Heritage) in June, and we intend to publish the report in the Summer. It will be a mammoth task deciding how to take forward the report's recommendations, and I hope you understand that until we have been through the whole report and been to our Ministers, I am not in a position to say what changes are likely to be made to the existing Order. But we will again be going out to full public consultation on any proposals for change.

Unification and Standardisation

These are separate reviews. In addition to the unification review which you heard about this morning, we have also conducted a smaller review to see whether the processes for determining applications for planning permission, listed building consent and conservation area consent could be brought in line.

The main area where there were significant differences was in respect of publicity requirements. We will be going out to consultation later this year to seek views on whether publicity requirements need to remain as they are, or whether there would be benefits in standardising arrangements.

Duration of consents

The Planning and Compulsory Purchase Bill includes provisions to change the duration of consent from five years to three. This applies to applications for planning permission, listed building and

conservation area consent. We will, however, issue guidance as to when it is appropriate for an authority to agree a longer period (eg in respect of major regeneration projects)

Dual jurisdiction

The Planning and Compulsory Purchase Bill also includes provisions to allow a local planning authority to continue to determine an application for a short period of time after an appeal against non determination has been made. It is likely that we will extend this to applications for listed building and conservation areas consent.

Decline to determine

In respect of planning permission, powers already exist for a local planning authority to decline to determine repeat applications - where they have been refused on appeal or turned down by the Secretary of State when called in. The Planning and Compulsory Purchase Bill will extend these powers to include repeat applications not called in or appealed. It will also extend the powers to twin tracked applications.

These provisions will also be introduced in respect of applications for listed building and conservation area consent.

We will issue guidance which will say that the powers should only be used if the local planning authority believes the applicant is deliberately trying to wear down opposition. They should not be used if a repeat application is genuine attempt to produce a better

development proposal or to address concerns in an earlier application.

Local Development Orders

The Planning and Compulsory Purchase Bill includes provisions to allow local planning authorities to make Local Development Orders (LDO). These would grant permission for specified types of development and in specified areas. However, the Secretary of State will retain the power to specify areas and types of development for which an LDO may not be made. We will use this power to prevent authorities from making LDOs in conservation areas or affecting listed buildings.

And finally

- thank you for listening
- a lot going on
- look forward to continuing to work with the heritage sector.