

CESHIRE EAST COUNCIL

Briefing Note: Strategic Planning Board

Date of Meeting: 5Th May 2010

Report Of: Planning Policy Manager

Title: Briefing Note on: Planning Policy Statement (PPS) 5: Planning for the Historic Environment;
Draft PPS Consultation on Planning for a Natural and Healthy Environment;
Draft PPS Consultation on Planning for a Low Carbon Future in a Changing Climate.

Portfolio Holders: Cllr David Brown (Performance and Capacity)
Cllr Jamie Macrae (Prosperity)

1.0 Introduction

This report provides an update on PPS5, concerning the historic environment, which has now been issued following a period of consultation; it also informs members of two draft PPS consultations on planning for a natural and healthy environment and a low carbon future in a changing climate.

2.0 PPS 5: Planning for the Historic Environment

The widely respected but elderly Planning Policy Guidance Notes 15 (Planning and the Historic Environment) and 16 (Archaeology and Planning) have been replaced by new guidance in a unified document, PPS 5. This follows and heavily modifies an earlier draft, PPS15, which met a hostile reception from professional institutes at its consultation stage. The new PPS is substantially shorter than the documents to be replaced and written in the form of national policies, rather than the discursive text and appendices of the old guidance.

Much of the supporting information formerly available in the old documents has been displaced to an accompanying document, the Historic Environment Planning Practice Guide, which is published by English Heritage, alongside the PPS.

The Government's overarching aim is that the historic environment should be conserved and enjoyed for the quality of life it brings to this and future generations. Policies to secure this end should recognise that England's heritage assets are a non-renewable resource and ensure that development decisions are based on firm evidence. Proposals should take account of the wider social, cultural, economic and environmental benefits of heritage conservation. But it is also essential that assets are put to viable and appropriate uses and intelligently managed change may sometimes be necessary if they are to be maintained for the long term. Their positive contribution to local character and effective place-making should be properly recognised and promoted within the planning system.

There are significant changes of emphasis discernable within the new policies. One is an enhanced recognition of the importance of a reliable and well documented evidence base to support the Plan-making process. This should be maintained in the local Historic Environment Record (HER), which is seen as an important tool with which to understand the significance of

heritage assets as well as a potential predictor as to where new assets will be discovered through the planning process. It will, therefore, be important to preserve and develop the HER, currently maintained by Shared Services, as a viable entity and enhance access to it by planning professionals, the development community and the general public.

There is recognition that Local Development Frameworks should set out a positive and proactive strategy for the conservation and enjoyment of the historic environment, taking into account its potential to be the catalyst for regeneration in an area, the stimulus it can provide to inspire imaginative and high-quality design and to perpetuate its mixed patterns of land-use, which are usually sustainable and likely to remain so. At a local level, plans should consider the special qualities and local distinctiveness of the historic environment and how these can contribute to the spatial vision in the Core Strategy.

New policy advice encourages the monitoring of historic assets to consider the impact of planning policies on them. This should watch for indications of decay as well as outright loss and should consider means by which to respond to threats to long-term use and health.

Policies require that local planning authorities should ensure that sufficient information on the significance of any heritage assets accompanies all applications. Any heritage asset affected by a proposed development should therefore be assessed by appropriate experts and in the case of archaeological assets this may, on occasion, require assessment or field evaluation prior to determination of the planning application. Where loss of significance of a heritage asset is justified, then planning conditions should be used to record and advance the understanding of the heritage asset before it is lost.

There is also an overt recognition that not every aspect of an asset's setting may positively contribute to its significance. In such circumstances, high quality design of development can enhance or better reveal the significance, which may be seen as a positive benefit and part of the process of place-making.

Another noticeable shift is a new recognition that the historic environment should play some part in delivering the government's objectives to reduce greenhouse gas emissions and secure sustainable development. As they embody stored energy from the past, the retention of historic buildings is inherently sustainable, but there will be pressure to improve their day-to-day performance in energy efficiency. In practice, the biggest improvements in this field will be achievable through upgrading the efficiency of boilers in conjunction with thermostatic control systems and providing effective loft insulation, neither of which are usually at all contentious in terms of historic character, but there will also be pressure for microgeneration, solar heating systems and window renewals, all of which could have a deleterious impact on appearance. Where proposals that are promoted for their contribution to mitigating climate change have a potentially negative impact on heritage assets, the PPS recommends early negotiation. This may result, for example, in secondary glazing rather than outright renewal of windows, or careful siting of solar panels in inconspicuous locations, case-by case discussions which could absorb increasing amounts of officer time, even if clear guidance is published on Council or English Heritage websites.

The policies in the earlier draft, PPS15 were particularly criticised for allowing too much ammunition for those persons seeking change within the historic environment. The balance set between those seeking change against those seeking to preserve is more firmly slanted towards conservation in the revised document. The general tenor of PPS 5 takes care to be more overtly supportive towards the retention of heritage assets, now seeing them as potential environmental opportunities rather than economic impediments or intractable site constraints. This is supported by the Government's Vision Statement on the value of the historic environment, with formal support from all Departments across Whitehall, which is published to complement and underpin PPS 5 and the practice guide. Together, this suite of value

statements is the benchmark for the protection of our historic environment for the foreseeable future.

Whilst concerns remain over resource implications for local authorities, conservation staff will find the policies they need to protect the historic assets within their boundaries, in a document that will also set the wider agenda in a manner that should still prove sensible and pragmatic.

A full list of policies contained within PPS5 can be found in the Appendix to this report.

3.0 PPS: Consultation on Draft PPS Planning for a Natural and Healthy Environment

This is a consultation document on a new PPS that sets out the planning framework for the natural environment, green infrastructure, open space, sport, recreation and play. Once adopted this document will replace PPS9: Biodiversity and Geological Conservation, Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation, parts of PPS7: Sustainable Development in Rural Areas (landscape protection, soil and agricultural land quality and forestry) and parts of Planning Policy Guidance 20: Coastal Planning (coastal access, heritage coast and the undeveloped coast). Running concurrently with this consultation is a consultation on a revised draft Circular on 'Biodiversity and Geological Conservation – Statutory Obligations and their Impact', which compliments this draft PPS. Further details on this document can be found in the attached appendix.

The draft PPS contains policies to maintain and enhance, restore or add to biodiversity and geodiversity through the planning system. It includes policies to promote opportunities for the incorporation of beneficial biological and geological features within the design of development and to maintain networks of natural habitats by avoiding their fragmentation and isolation. It suggests that this may be done as part of a wider strategy for the protection and extension of open space and access routes such as canals and rivers. For the first time planning policy on green infrastructure¹ has been produced, with key considerations being the functions or ecosystem service it provides. This new policy recognises that there are subtle differences between planning for open space and planning for green infrastructure.

The legal protection given to certain habitats and species has changed due to recent case law; however planning policy on biodiversity will remain the same. Guidance to Local Planning Authorities (LPAs) on their statutory obligations in this area is currently being revised and a draft Circular has been produced on biodiversity and geological conservation, as mentioned above. Also the Government is considering modifying policy relating to the determination of applications involving the floodlighting of sports and recreational facilities. The wording of the existing policy is proposed to be amended to make it clear that LPAs should consider and balance the impact of local residents against the wider benefits to the community, particularly those using the facilities. They should also take into account of any significant impacts on biodiversity.

A full list of policies contained within this draft PPS can be found in the Appendix to this report. The consultation runs for 12 weeks and finishes on 1st June 2010.

4.0 PPS: Consultation on Draft PPS Planning for a Low Carbon Future in a Changing Climate

This is a consultation document on a new PPS that sets out the planning framework for securing lasting progress against the UK's targets to cut greenhouse emissions, use more renewable and

¹ A strategic network of multi-functional green space, both new and existing, both urban and rural, which supports natural and ecological processes and is integral to the health and quality of life in sustainable communities (Draft PPS: Planning for a Natural and Healthy Environment).

low carbon energy and to plan for climate change. This document combines and updates the existing PPS's on climate change (PPS1 supplement) and renewable energy (PPS22) and it is proposed that it will become a consolidated supplement to PPS1. This will support and provide an overarching framework for PPS25 (Development and Flood Risk) and emerging planning policies on green infrastructure. However this document does not assemble all national policy relevant or applicable to climate change and therefore it should be read alongside other national policy.

This draft PPS sets out clear expectations on LPAs in planning for renewable energy, such as ensuring that development does not prejudice the broad areas identified at regional level for renewable energy and setting out how decentralised energy² will supply new development in the area. There have been changes to policy contained within the existing supplement and PPS22 on the provision of decentralised renewable and low carbon energy, whereby LPA-wide targets for decentralised energy to serve new developments, will, over time, become unnecessary as this will be addressed via building regulations. Increased powers have also been put forward for LPAs to set targets relating to water usage. Amendments have been made to local evidence base requirements including greater encouragement of the use of heat mapping where appropriate and the promotion of greater integration of waste and energy agendas. A proposed policy has been introduced on the expectation for support from LPAs on the take-up of electric and plug-in hybrid cars and the setting of local requirements for cabling and charging infrastructure³ where appropriate. This will complement the Government's proposals for electric charging points to become permitted development.

A full list of policies contained within this draft PPS can be found in the Appendix to this report. The consultation runs for 12 weeks and finishes on 1st June 2010.

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² Local renewable energy and local low-carbon energy usually but not always on a relatively small scale. It is a broad term used to denote a diverse range of technologies, including micro-renewables, which can locally serve an individual building, development or wider community and includes heating and cooling energy (Draft PPS: Planning for a Low Carbon Future in a Changing Climate).

³ The required sub-surface electrical cabling to support electric vehicle charging infrastructure but not the charging points themselves (Draft PPS: Planning for a Low Carbon Future in a Changing Climate).

Appendix

1. Policies within PPS5

- HE1: Heritage Assets and Climate Change

Plan-making Policies

- HE2: Evidence Base for Plan Making
- HE3: Regional and Local Planning Approaches
- HE4: Permitted Development and Article 4 Directions
- HE5: Monitoring Indicators

Development Management Policies

- HE6: Information Requirements for Applications for Consent Affecting Heritage Assets
- HE7: Policy Principles Guiding the Determination of Applications for Consent Relating to All Heritage Assets
- HE8: Additional Policy Principle Guiding the Consideration of Applications for Consent Relating to Heritage Assets that are not Covered by Policy HE9
- HE9: Additional Policy Principles Guiding the Consideration of Applications for Consent Relating to Designated Heritage Assets
- HE10: Additional Policy Principles Guiding the Consideration of Applications for Development Affecting the Setting of a Designated Heritage Asset
- HE11: Enabling Development
- HE12: Policy Principles Guiding the Recording of Information Related to Heritage Assets

2. Policies contained within Draft PPS: Planning for a Natural and Healthy Environment

Plan-making Policies

- NE1: Evidence Base for Plan Making
- NE2: Regional Planning Approach
- NE3: Local Planning Approach for the Natural Environment
- NE4: Local Planning Approach for Green Infrastructure
- NE5: Local Planning Approach to Open Space, Sport , Recreation and Play
- NE6: Local Planning Approach to Recreational Rights of Way
- NE7: Local Planning Approach to the Undeveloped Coast and Coastal Access

Development Management Policies

- NE8: Policy Principles Guiding the Determination of Applications in Relation to the Natural Environment
- NE9: Policy Principles Relating to the Maintenance of an Adequate Supply of Open Space, Green Infrastructure, Sports, Recreational and Play Facilities
- NE10: Policy Principles Guiding the Determination of Applications Affecting Playing Fields
- NE11: The Consideration of Applications for Floodlighting for Sports and Recreational Facilities
- NE12: Proposals for Sport and Recreation Requiring Natural Features and Water
- NE13: Sport and Recreation Provision in Nationally Designated Areas
- NE14: Proposals for Major Sports Development and Mixed Use Sport and Recreational Facilities

3. Brief Summary of revised draft Circular on Biodiversity and Geological Conservation – Statutory Obligations and their Impact

The Circular provides guidance on the application of the law relating to planning and nature conservation and complements the draft PPS on natural and healthy environments. The Circular brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by planning authorities. The topics included within this draft Circular are:

- The conservation of internationally designated sites;
 - Sites of Special Scientific Interest and the consultation and notification processes;
 - Planning for nature conservation outside the designated sites;
 - Conservation of species; and
 - Advice on other duties and use of statutory powers. These include Environmental Impact Assessment, Strategic Environmental Assessment and Water Framework Directive.
4. Policies contained within Draft PPS: Planning for a Low Carbon Future in a Changing Climate

Plan-making Policies

- LCF1: Evidence Base for Plan-making
- LCF2: Regional Planning Approach
- LCF3: Local Planning Approach for a Low-carbon Future in a Changing Climate
- LCF4: Local Planning Approach for Renewable and Low-carbon Energy and Associated Infrastructure
- LCF5: Local Planning Approach for Adapting to a Changing Climate
- LCF6: Local Planning Approach for Selecting Sites for New Development
- LCF7: Local Planning Approach to Setting requirements for using Decentralised Energy in New Development
- LCF8: Local Planning Approach to Setting Authority-wide Targets for using Decentralised Energy in New Development
- LCF9: Local Planning Approach to Setting Requirements for Sustainable Buildings
- LCF10: Local Planning Approach for Electric and Plug-in Hybrid Vehicles
- LCF11: Testing Local Planning Requirements

Development Management Policies

- LCF12: General Approach
- LCF13: Designing for a Low Carbon Future in a Changing Climate
- LCF14: Renewable and Low Carbon Energy Generation
- LCF15: Safeguarding Renewable and Low Carbon Energy Supplies