

JOINT COMMITTEE OF THE NATIONAL AMENITY SOCIETIES

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ANCIENT MONUMENTS SOCIETY
COUNCIL FOR BRITISH ARCHAEOLOGY
THE GARDEN HISTORY SOCIETY
THE GEORGIAN GROUP
THE SOCIETY FOR THE PROTECTION
OF ANCIENT BUILDINGS
THE TWENTIETH CENTURY SOCIETY
THE VICTORIAN SOCIETY

Mr P Weatherby, CLG phil.weatherby@communities.gsi.gov.uk
& planning.policy@english-heritage.org.uk

Dear Mr Weatherby,

The Joint Committee of the National Amenity Societies (JCNAS) was founded in 1972 to coordinate strategic action, particularly in matters of government policy, legislation and taxation, between the national conservation organisations concerned with the historic environment. Constituent members are: **The Society for the Protection of Ancient Buildings; The Council for British Archaeology; The Ancient Monuments Society; The Georgian Group; The Victorian Society; The Twentieth Century Society; and The Garden History Society.** Together the societies represent many thousands of heritage professionals, owners, and enthusiasts - all with a strong interest in an efficient and effective heritage protection system. The JCNAS is grateful to have the opportunity to comment on the drafts of Planning Policy Statement (PPS) 15: Planning for the Historic Environment and the Historic Environment Planning Practice Guide. These were considered by the Joint Committee at a meeting on 21st October 2009 where valuable contributions to the discussion were also made by the JCNAS's observer-members.

Summary of JCNAS comments

- In principle, the JCNAS supports the introduction of PPS15 and the Practice Guide to bring management of the historic environment up to date within the current planning system. We regret the absence of the Heritage Protection Bill, but believe that it is still possible to maintain the “momentum” of reform.
- We are not convinced that current drafts of PPS15 and the Practice Guide fulfil guarantees of “no lessening of protection”. PPS15 must provide a clearer “presumption in favour of preservation” as a matter of policy.
- PPS15 and the Practice Guide need to form part of a suite of policy and guidance that will be issued within a set timescale. The JCNAS is willing to add its experience to the process of redrafting, and to the preparation of further guidance.
- Our view is that the historic environment can make a positive contribution to communities, economic prosperity, and climate change mitigation. We do not believe that PPS15 and the Practice Guide need to accept harm to heritage assets in order to meet these objectives. The drafts require revision to reflect this.
- We are not convinced that the resources needed to assist interpretation of new terminology, to make HERs comprehensive and accessible, and to assess whether undesignated assets have significance, have been adequately considered.
- “The National Amenity Societies” should be named in PPS15 and Practice Guide so our role is made clear.

General Observations

The Joint Committee's comments are confined to issues of principle, policy and timetabling. Comments on matters of detail within the two drafts will be left to individual member organisations.

The Joint Committee has welcomed the process of Heritage Protection reform. We see benefits in removing the "outdated distinction between buildings and archaeology" (PPS15 1.9) and in encouraging greater consideration of undesignated historic assets. We are therefore disappointed that the Heritage Protection Bill has not been brought before parliament, and that there now seems little prospect of this within the foreseeable future. A need remains for urgent action to reverse the adverse effects of the Shimizu judgement. In the absence of the Bill we accept there may still be a case for well-considered changes that will maintain the "momentum" of reform, as PPS15 1.5 indicates, to bring heritage protection into the 21st century. Nevertheless, while we wish to assist with the introduction of a PPS and Practice Guide, we are not yet satisfied that current drafts ensure "no lessening of protection" as Ministers have previously guaranteed. We are also yet to be convinced that the drafts would deliver a system that offers the clarity, and scope for engagement, that the Heritage White Paper envisaged.

The Level of Protection

PPG15 included the clear statement that there should be a "presumption in favour of preservation" (3.3) for buildings and sites that enjoyed protection. The presumption needs to be stated clearly in PPS15, in connection with all heritage assets, whether designated or undesignated. The "more significance ...the greater the presumption", mentioned in HE10.1, is not an adequate substitute. Specific mention is also needed, in HE 10 or elsewhere, of the special protection that designation should bring to grade II listed buildings. We do not believe firmer policy support for heritage conservation will act as an impediment to sustainable development of the kind encouraged by PPS4. As we hope the government's Vision Statement will recognise when published, heritage assets of all kinds have a utility that should assist sustainable development as well as a cultural value that contributes to communities and helps maintain a sense of place. Stating a "presumption in favour of preservation" should be viewed as a positive step that will help ensure that due consideration is given to the historic environment in development matters and that its place is secured at the heart of the planning system. PPG15 1.4-1.5 contained valuable statements about the contribution of the historic environment to "economic prosperity" and it is vital that this contribution continues to be recognised.

Public Benefit Tests & Utility

The Joint Committee believes there is immense public benefit in heritage protection. We are concerned therefore that in a number of places (eg HE9.7), PPS15 sets "public benefit" in opposition to heritage protection. Our concerns are perhaps strongest in relation to HE9.8iii. Here it would seem that any development judged to have "wider social, economic and environmental benefits" can be used to justify harm to a heritage asset. The weighting here is wrong and could undermine conservation-based approaches to sustainable development. In rare cases where the demands of development and conservation are irreconcilable, it should be made clear, as in PPG15 (3.19iii), that the community benefit must be "substantial".

There is also an assumption in the draft PPS that to be viable an asset must have a use. If it does not, and through its existence impedes a proposed new development, there is justification for harm (HE9.8ii). This, we feel, conflicts with the more accurate view expressed in the PPS's introduction(1.1) that the historic environment "contributes to our sense of national, local and community identity, through the memories of events and phases in our history that it holds". With assets such as redundant churches, garden buildings, ruins or archaeological remains, it is often the case that community value exists even when active use and funding do not. The possibility that value may exist without active use needs to be acknowledged in the PPS.

Climate Change

The Joint Committee fully appreciates the need for positive action over climate change, but we would wish PPS15 to acknowledge the inherent sustainability of using and re-using existing heritage assets. Tackling climate change will not be achieved through under-researched, piecemeal alteration to historic buildings. In present form, clause HE9.8iii could be used to justify works to historic buildings which cause harm yet have dubious claims to sustainability and energy efficiency improvement. Insertion of plastic double glazed windows is an example. We would hope to see PPS15 place emphasis on encouraging historic building users to reduce their energy consumption. Where physical alteration is also necessary, strong preference should be shown for works that avoid harm to the form and fabric of an asset. The historic environment need not conflict with climate change mitigation if it is approached with understanding.

Suite of legislation, policy and guidance

The majority of Joint Committee members believe that PPS15 must be introduced simultaneously with the Practice Guide. In the absence of primary legislation, a Practice Guide is particularly necessary to help clarify and interpret new terms and concepts. Also needed is a firm timetable for the introduction of additional guidance documents. Despite covering some issues in detail, the Practice Guide is not a substitute for Annex C of PPG15, and assurance is needed that detailed guidance about good conservation practice will follow swiftly. Certainty about timetabling is required before the Joint Committee can support the withdrawal of current PPGs.

The Joint Committee believes that its members have much to offer in terms of practical experience of the implementation of policy and guidance. We would welcome the opportunity to be actively involved in further revisions to PPS15 and the Practice Guide, and in development of other guidance.

Terminology

Impact on “significance” is the PPS’s basis for future decision-making. Assessment of “significance” is familiar to archaeologists and those who deal with historic landscapes. But, although it formed the basis for English Heritage’s recent *Principles of Conservation* document, for those working with the built historic environment and PPG15 it is a new concept. Some see it as more relevant to the designation process for buildings than to the management of their alteration and development. We are concerned that, in the absence of primary legislation, “effect on significance” as the basis for decision making may be challengeable in law. Even if not, past case law for listed building control might still be undermined by the change. This makes it particularly important that full and clear supporting guidance is in place.

The Joint Committee is least comfortable with the suggestion, made repeatedly in the draft PPS and Practice Guide, that significance can be “enhanced”. While the addition of new layers to historic buildings’ history is often welcome, the suggestion that significance can be “enhanced” through alteration seems to conflict with most accepted views of good conservation practice. An indication that significance can sometimes be “revealed” through alteration would be more appropriate.

Resources

PPS15 has resource implications that are beyond those so far identified. This applies not only to the preparation of comprehensive and accessible HERs, but also to a shift to pre-application discussion, and to the work that will be needed in identifying whether undesignated assets have significance. The implication for the work load of the voluntary sector also deserves greater consideration if there is to be more public engagement with the consent process and provision of expert advice.

Reference to National Amenity Societies

Joint Committee members contribute much to the process of heritage protection in England. Unlike English Heritage, much of our work relates to the 92% of listed buildings that fall within the grade II category. The PPS and Practice Guide include welcome references to the value of “expert advice” and mention local and national amenity societies (eg in HE9.2). However, there is no direct reference to the “National Amenity Societies” and their formal role as bodies that must be notified when total or partial demolition of listed buildings is proposed. We urge that this is corrected. Without this reference, in crucial policy and practice documents, there may be confusion and uncertainty among local planning authorities about our role and status.

Yours sincerely,

A handwritten signature in cursive script that reads "John Sell".

John Sell CBE
Chairman

cc DCMS; Clerks, CLG & CMS Select Committees; Jeremy Hunt MP; Don Foster MP; Heritage Link