



PPS 5: Planning for the Historic Environment

Impact Assessment



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Impact Assessment

Summary: Intervention & Options		
Department /Agency: CLG & DCMS	Title: <i>Impact Assessment of Planning for the Historic Environment</i>	
Stage: Final IA	Version: Publication	Date: 11 March 2010
Related Publications: PPG 15: <i>Planning and the Historic Environment</i> ; PPG 16: <i>Archaeology and Planning</i> (Plus PPS 1: <i>Delivering Sustainable Development</i> ; PPS 7: <i>Sustainable Development in Rural Areas</i> ; MPS 1: <i>Planning and Minerals</i> ; MPS 2: <i>Controlling and Mitigating the Environmental Effects of Mineral Extraction in England</i>)		

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What is the problem under consideration? Why is government intervention necessary?

Government policy and sectoral practice towards conservation of the historic environment has evolved over the last two decades and planning policy set out in PPGs 15 and 16 needs to be updated and revised in order to reflect this. In particular, the Heritage Reform Programme adopts a holistic approach to heritage assets, unconstrained by the separate legislation that currently exists to manage the built and the archaeological heritage. In addition national planning policy has been identified as being overly complex. This may lead to unnecessary costs for users of policy which Government can address by streamlining policy.

What are the policy objectives and the intended effects?

Policy objectives: (a) to ensure that Regional Planning Bodies and Local Planning Authorities, developers and owners of heritage assets adopt a consistent and holistic approach to conserving, the historic environment, and (b) to reduce complexity in planning policy relating to the historic environment.

Intended effect: to achieve a strategic, integrated and fit-for-purpose planning framework within which issues relating to the historic environment can be reconciled with other priorities.

What policy options have been considered? Please justify any preferred option.

Option 1: Do nothing: retain PPGs 15 and 16. **Option 2:** to replace PPGs 15 and 16 with a single, streamlined, comprehensive national planning policy statement covering updated and revised planning policy.

An alternative option would have been to update the two policies separately. This option was not taken forward beyond initial stages in policy development because it would not contribute to overall simplification of the national planning policy framework.

The preferred option is Option 2. This option will provide a clearer planning framework relating to the historic environment reflecting the evolution of Government policy and sectoral practice.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

Monitoring of the policy will include the development and use of Historic Environment Records. English Heritage will also advise on the response to the policy from their regular engagement with the heritage sector. They will explore with ALGAO (LA archaeologists) and IHBC (LA conservation officers) the possible future collection of data on dealing with planning, listed building consent and scheduled monument consent applications.

Ministerial Sign-off For Final Stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

A handwritten signature in black ink, appearing to read 'J. Healy', with a horizontal line underneath.

Date: 11 March 2010

Summary: Analysis & Evidence

Policy Option: 2 [PREFERRED OPTION]	Description: Revise and update planning policy relating to the historic environment, and repackage this in a single, streamlined, comprehensive national planning policy statement (PPS)
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COSTS	ANNUAL COSTS		Description and scale of <i>key monetised costs</i> by 'main affected groups' Local Planning Authorities: <u>c£90k p.a.</u> in relation to the creation and updating of additional records relating to historic buildings in HERs. Developers/owners of heritage assets: <u>c£3.35m p.a.</u> in relation to additional investigation & recording of historic buildings English Heritage: one off costs of providing additional training to historic environment staff in LPAs – <u>£50,000</u>
	One-off (Transition)	Yrs	
	£0.5 million		
	Average Annual Cost (excluding one-off)		
	£3.44 million	10	
Total Cost (PV)		£30 million	
Other key non-monetised costs by 'main affected groups' <ul style="list-style-type: none"> • More developers may consult Historic Environment Records in relation to buildings-related proposals, incurring fees which most LPAs charge for the commercial use of HER content. However, this impact is unlikely to be felt until current issues about the coverage of the built environment in HERs are resolved as developers would not be charged if an HER contains no information about a particular building. This situation is unlikely to change significantly within the time period considered by this assessment. 			
BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' Local Planning Authorities: efficiency savings on the processing of applications for planning permission/Listed Building Consent/Conservation Area Consent: £2m – £5.1m
	One-off	Yrs	
	£0		
	Average Annual Benefit (excluding one-off)		
	£2–5.1 million	10	
Total Benefit (PV)		£17–44 million	
Other key non-monetised benefits by 'main affected groups' Increased certainty and reduced risk for developers. Additional clarity should reduce the number of applications for planning permission/LBC/CAC rejected on heritage-related grounds. Wider benefits from the protection of the historic environment which contributes to regional and local distinctiveness and sense of place The new PPS should lead to more effective conservation and enhancement of heritage assets.			

Key Assumptions/Sensitivities/Risks

Sensitivities: effective implementation of policy is dependent on planners having adequate access to specialist expertise covering all aspects of the historic environment (built environment, archaeology and landscape); the level of provision of such expertise is known to vary between authorities.

Risks: the economic downturn may lead some planning authorities to reduce current levels of resourcing for in-house or contracted historic environment services. If this happened, the impact would be worse under the new policy, because fewer staff would also be following a new approach, rather than the familiar, current approach. It should be emphasized that there is a large amount of uncertainty in the cost and benefit estimates and so they should be viewed with considerable caution. They are used for illustrative purposes only.

Price Base Year	Time Period Years	Net Benefit Range (NPV)	NET BENEFIT (NPV Best estimate)
2009	10	£-13million to £14 million	£0.5 million

What is the geographic coverage of the policy/option?	England only			
On what date will the policy be implemented?	March 2010			
Which organisation(s) will enforce the policy?	LPAs/Secretary of State for CLG			
What is the total annual cost of enforcement for these organisations?	£ 0			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	N/A			
What is the value of the proposed offsetting measure per year?	£ N/A			
What is the value of changes in greenhouse gas emissions?	£ N/A			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	NO	NO

Impact on Admin Burdens Baseline (2005 Prices) (Increase – Decrease)

Increase of £3.1 million Decrease of £0 **Net Impact £3.1 million**

Key:	Annual costs and benefits: Constant Prices	(Net) Present Value
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Evidence Base (for summary sheets)

Background

1. The historic environment is central to England's cultural heritage, and hence, a cultural, socio-economic and environmental resource that should be sustained for the benefit of present and future generations.
2. It is defined as 'all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and deliberately planted or managed flora'. Those elements of the historic environment – landscapes, archaeological remains and buildings – deemed to be of significance due to their historic, archaeological, architectural or artistic interest are called heritage assets.
3. The practice of recognising, formally protecting and conserving particular aspects of the historic environment has developed along parallel paths since the passing of the Ancient Monuments Act in 1882. It is currently underpinned by a range of legislation, including:
 - The National Parks and Access to the Countryside Act of 1949
 - The Protection of Wrecks Act 1973
 - The Ancient Monuments and Archaeological Areas Act 1979
 - The Planning (Listed Buildings and Conservation Areas) Act 1990
 - The Treasure Act 1996; and
 - The Countryside and Rights of Way Act 2000.¹

And by associated Council of Europe and UNESCO conventions to which the United Kingdom is a party, including:

- The Convention for the Protection of the Architectural Heritage of Europe
- The European Convention on the Protection of the Archaeological Heritage
- The European Landscape Convention; and
- The Convention Concerning the Protection World Cultural and Natural Heritage.

¹ Together with the 1949 Act, this provides the basis for the designation of National Parks & Areas of Outstanding Natural Beauty – landscapes deemed to merit statutory protection on grounds of their natural and cultural heritage.

4. National policy guidance on the conservation of the historic environment within the Town and Country Planning System is, for the most part,² currently set out in two planning policy guidance (PPG) notes: *PPG 15: Planning and the Historic Environment* and *PPG 16: Archaeology and Planning*, published in 1994 and 1990, respectively. It recognises that not all heritage assets of international, national, regional or local significance are currently known or recognised, and of those that are, not all are formally protected (or capable of being so under current legislation). It also ensures that developers meet the costs of assessing, evaluating and, if necessary, mitigating the impacts of their proposals on the historic environment.
5. Beyond the scope of the planning system (and in addition to the statutory heritage protection system), conservation of the historic environment is promoted through a variety of land management initiatives, including agri-environment schemes funded as part of the Rural Development Programme for England. Many of the specialist historic environment information and advisory services resourced by Local Planning Authorities (LPAs) to comply with their statutory obligations and to implement the policies set out in PPGs 15 and 16 also play a crucial role in the effective delivery of these initiatives.
6. In 2008 English Heritage published its *Conservation Principles, Policies and Guidance*. These set out the basis for the advice it provides in relation to conservation of the historic environment, including to Government, Regional Planning Bodies (RPBs), LPAs and the owners of heritage assets.

Rationale for action

7. The Government's heritage protection reform programme is the outcome of a comprehensive review of heritage protection measures, which commenced in 2003 with the publication of the consultation paper *Protecting our Historic Environment: Making the System Work Better*.³ The aims of the programme are to achieve:
 - a modernised approach to all of the historic environment
 - a better designation process and wider participation
 - better management and decision-making; and
 - local participation and management.

² National planning policy relating to National Parks and AONBs is set out in PPS 7: Sustainable Development in Rural Areas.

³ www.culture.gov.uk/reference_library/consultations/1168.aspx/

8. Following publication of the white paper, *Heritage Protection for the 21st Century*⁴ in 2007, a draft Heritage Protection Bill was published in April 2008 and subjected to pre-legislative scrutiny and public consultation. Although the Bill was not included in the Government's legislative programme for 2008-09, it remains committed to this legislation, which will be brought forward as soon as Parliamentary time allows.
9. In its absence DCMS, CLG and the Department for Environment, Food and Rural Affairs (Defra) are continuing to work on a number of non-statutory reforms to achieve the objectives of the heritage protection reform programme. The planning policy statement (PPS) for the historic environment proposed under Option 2 is a key element of this programme. It will provide an opportunity to build on current policy in PPGs 15 and 16 by:
 - unifying and updating previously separate approaches to the conservation of the historic environment through the planning system
 - ensuring that an appropriate level of public benefit is obtained when development which impacts on the historic environment is permitted to proceed; and
 - underlining the potential of heritage assets to contribute to other planning priorities, such as economic development and the mitigation of/adaptation to climate change.
10. Given that PPG 15 and PPG 16 were produced in 1994 and 1990, respectively, it is also necessary to update them to take account of recent planning legislation and developments in planning policy. Although some parts of the PPGs have been amended as and when required, a new PPS is needed to fulfil the Planning White Paper objective of producing a more strategic and clearly focused national policy framework. This will ensure planning policy is clearer and more accessible and that the complexity of the planning system is reduced.

Objectives

11. The policy objectives are:
 - to ensure that RPBs, LPAs, developers and owners of heritage assets adopt a consistent and up-to-date approach to conservation and, where appropriate, enhancement of the historic environment through the planning system; and

⁴ www.culture.gov.uk/reference_library/consultations/1156.aspx/

- to produce a statement of planning policy that not only takes account of developments in planning legislation and policy since the publication of PPGs 15 and 16, but which also produces a more strategic, clearer and more focused national planning policy framework.⁵

Options

12. There are two options:

- Option 1: Do nothing: retain PPGs 15 and 16.
- Option 2: Replace PPG 15 and 16 with a revised and updated planning policy relating to the historic environment issued in a single, streamlined, comprehensive PPS.

A third option would have been to update PPGs 15 and 16 but this was rejected as it was judged that it would not have given rise to the benefits of the preferred option 2. However, this would not have brought national policy into line with the Government's wider policy objectives for the historic environment, in particular the application of common policy principles to different types of heritage assets which underpins the Heritage Protection Reform Programme.

13. The PPS replacing PPG 15 and 16 contains 12 policies and the details of the costs, benefits and assumptions are set out in Annex A. In summary, the policies are:

Policy HE 1: Heritage assets and climate change: Local planning authorities (LPAs) should for opportunities to mitigate and adapt to the effects of climate change when performing their functions. They should help applicants to find feasible solutions where there are conflicts.

Policy HE 2: Evidence base for plan-making: Planning authorities should ensure they have documented evidence about the historic environment in their areas and that it is used in plan-making.

Policy HE 3: Regional and local planning approaches: Plans and strategies should set out a positive strategy for the conservation and enjoyment of the historic environment. Plans should consider how the historic environment can contribute to the spatial vision and ensure sustainability and conservation of heritage assets.

Policy HE 4: Permitted development and Article 4 directions: LPAs should consider using article 4 directions if they think that permitted development rights would undermine the aims for the historic environment.

⁵ As a first step towards this the white paper proposed a comprehensive review of existing PPGs and PPSs with the aim of achieving a significant streamlining by separating out policy from guidance and limiting the amount of central guidance to those matters which are strategic and necessary to achieving a consistent approach to decision making.

Policy HE 5: Monitoring indicators: LPAs should consider how best to monitor the impact of their policies, especially where heritage assets are at risk of loss.

Policy HE 6: Information requirements for applications for consent affecting heritage assets: LPAs should ensure that the amount of information they require of applicants about affected heritage assets is proportionate to the importance of the asset and the impact on its significance. The historic environment record (HER) should be consulted, together with any other relevant sources of information.

Policy HE 7: Policy principles guiding the determination of applications for development relating to all heritage assets: In considering the impact (including the positive contribution it might make) of proposed development, local planning authorities should identify the significance of any heritage assets affected. They should take account of the desirability of enhancing that significance.

Policy HE 8: Additional policy principle guiding the consideration of applications for consent relating to heritage assets other than designated heritage assets: The effect of an application on the significance of a heritage asset or its setting is a material consideration in determining the application.

Policy HE 9: Additional policy principles guiding the consideration of applications for consent relating to designated heritage assets: Loss of or harm to designated heritage assets requires clear and convincing justification in accordance with the tests set out in this policy.

Policy HE 10: Additional policy principles guiding the consideration of applications for development affecting the setting of a designated heritage asset (the surroundings in which a heritage asset is experienced): Local planning authorities should treat favourably applications that preserve those elements of the setting that contribute to the significance of the heritage asset, and identify opportunities for changes in the setting to enhance that significance.

Policy HE 11: Enabling Development: Local planning authorities should use the criteria set out in this policy when determining applications for development that is contrary to the development plan but necessary to secure the conservation of a heritage asset.

Policy HE 12: Policy principles guiding the recording of information related to heritage assets: Merely because an asset can be recorded does not justify its destruction. Information about assets that will be lost should nevertheless be recorded (eg in the HER) and LPAs should require this when giving consent. This will add to the evidence base.

Sectors and groups affected

14. Planning policy relating to the historic environment potentially has an impact on the following groups:
 - RPBs and LPAs
 - commercial developers of all sizes
 - owners of heritage assets (including businesses and the general public); and
 - commercial historic environment services (i.e. archaeological and conservation services).

Cost benefit analysis

15. This section describes the impacts of the options considered in the impact assessment to achieve the policy objectives. The first option would be to do nothing, and the second option would be to prepare a revised and updated planning policy relating to the historic environment in a single, streamlined, comprehensive PPS. An alternative option would have been to update the two policies separately. This option was not taken forward beyond initial stages in policy development because it would not contribute to overall simplification of the national planning policy framework.
16. A policy-by-policy cost/benefit analysis, of Option 2 is provided in Annex A.

Option 1: Do nothing

Under the do nothing scenario, there would be a lack of consistency between planning policy for the historic environment and the Government's wider heritage reform programme which aims to better protect heritage assets. It would also mean that there would be duplication of policy with regard to the historic environment in the two PPGs.

Option 2: revised and updated planning policy relating to the historic environment is issued in a single, streamlined, comprehensive PPS.

Summary of benefits

17. Streamlining is the process of separating policy from guidance, organising policy material around the key planning processes (plan making and decision taking), and removing policy duplication. The aim is a strategic and user-friendly planning framework. The Killian Pretty review considered that if Government overhauled and simplified the national policy framework and the secondary legislation for the process of planning applications, this would enable faster and more effective handling of applications by reducing the inherent complexity in the process⁶. They estimated that this complexity costs applicants a total of £750m per year in consultants and legal fees, and that a 10% reduction would save applicants £75m per year and local authorities £30m per year.
18. Streamlining planning policy should have the following benefits:

Greater clarity around what is expected of practitioners

The separation of policy from guidance allows shorter policy documents which are focused on key policy principles. The outcomes which users should be working towards are clearer, as are the policy principles that they are expected to follow to deliver these objectives. As guidance is set out separately from policy, this indicates that there is discretion in the way in which users (primarily local authorities) can deliver the outcomes and policy principles.

Being clear where there is discretion and flexibility encourages local authorities to consider what is best for their local circumstances, by using or adapting the guidance as they see fit, or developing their own approach.

Resource and time savings

Restructuring the policy documents with key users in mind has an important 'reading and complying benefit' for many users – they don't have to read the whole policy document to ensure they have not missed a crucial instruction, but can dip in and out of the document as necessary. This translates into resource savings for local authorities and applicants for planning permission, as it will enable speedier plan making and decision making, and help developers in producing applications for development, which have a greater chance of success (and hence lead to fewer planning appeals).

Minimises duplication and complexity

Bringing together planning policy related to the entire historic environment in a single document will cut out duplication and minimise complexity for users, both applicants and LPAs.

⁶ The Killian Pretty Review Final Report (November 2008), available from: www.planningportal.gov.uk/england/professionals/policy/reform/parhome/

Encourages strategic thinking

Consolidating historic environment policy into a single document enables Government to set out a clear, integrated and strategic approach for planning for the historic environment. This should help regions and local authorities to be more strategic in their approach.

19. The publication of a new PPS will also present the opportunity to bring national planning policy into line with the Government’s wider policy objectives for the historic environment and current sectoral good practice, both of which have evolved since the publication of PPGs 15 and 16 in 1994 and 1990, respectively. In particular, the application of common policy principles to all types of heritage assets will be consistent with the spirit of the Heritage Protection Reform programme and with the application of English Heritage’s *Conservation Principles, Policies and Guidance*.⁷
20. The UK’s historic environment is of economic importance due to the part it plays as a draw for tourists. In 2006, 9.8m (30%) of overseas visitors to the UK visited castles, churches, monuments or historic houses, spending £5.4bn (34% of all overseas spend) while they were in the UK (*International Passenger Survey, Visit Britain*). By delivering more effective conservation and enhancement of heritage assets through the planning system, it is reasonable to assume that the new PPS will result in a better quality historic environment, and that this in turn may lead to an incremental growth in the revenue generated by tourism.

Summary of costs

21. Revision of existing policy is likely to impose some one-off costs on planning bodies as they need to familiarise themselves with the new policy. However, it is assumed these costs will not be substantial because after initially reading the new policy, planners within LPAs and responsible regional authorities will simply refer to relevant sections when undertaking particular activities. The restructuring of policy should make it easier for practitioners to identify the relevant information within the policy and lead to greater efficiency in the day-to-day use of the policy.
22. Furthermore, we believe that this is unlikely to result in significant familiarisation costs for commercial developers or owners of heritage assets since, although the policy would be updated and presented differently, it would nevertheless be consistent with existing sectoral good practice.

⁷ www.english-heritage.org.uk/server/show/nav.9181

23. We consider that enforcement costs will show no significant change. Enforcement costs apply when LPAs tackle unauthorised development or breaches of conditions – these occur regardless of the specifics of the planning policy and we see no reason for them to increase. If anything we expect a slight decrease in such activity as we expect clarification of the policy will result in better quality applications and therefore fewer infringements of the rules.
24. English Heritage is undertaking ongoing research into the staffing of LPA historic environment services. The first report was published in May 2009⁸. Based on surveys in 2006 and 2008 the report show that there are around 1,200 historic environment staff (conservation officers, archaeological officers, HER officers) employed by local authorities in England. The introduction of the planning policy statement proposed under Option 2 is not anticipated to necessitate an increase in this number. After an initial period of adjustment, it is anticipated that the time required to be spent on reactive casework will be slightly reduced, allowing time to take on more proactive work to meet the Government's objectives for the historic environment.

Monetised costs and benefits of Option 2

Costs

COSTS RELATED TO PRE-DEVELOPMENT INVESTIGATIONS (POLICY HE6/HE12)

25. Assumption: Policies HE 6 and HE 12 will encourage more pre-application/pre-development investigations, particularly in relation to historic buildings which, because of the different ways that PPGs 15 and 16 have been interpreted, have until now been subjected to less assessment, evaluation and recording than archaeological remains.⁹

Under PPG 16 English Heritage advise¹⁰ that:

- The proportion of planning applications that currently require desk-based archaeological assessment = 3% (c18,000 p.a.)

Average cost per desk-based archaeological assessment = £750

The estimated costs to developers relating to desk-based archaeological assessments = $18,000 * 750 = \text{c}\text{£}13.5\text{m p.a.}$

⁸ Implementing the Heritage Protection Reforms: A Report on Local Authority and English Heritage Staff Resources, English Heritage (2009), available from: <http://www.english-heritage.org.uk/server/show/nav.001002004009008>

⁹ As a result of this work, it is usually possible to redesign development proposals to avoid significant archaeological remains. It is not possible to monetise redesign costs, however a US study reported in *Antiquity* vol. 68 (1994) suggests that in situ preservation costs are significantly less than the cost of full excavation (10-25% less in the project reported on), so redesign to ensure preservation is the favoured and cheaper option in many cases.

¹⁰ On the basis of recent surveys of archaeology-related planning casework undertaken by the Association of Local Government Archaeological Officers (www.algao.org.uk/Publications/Docs/SurveySummary.pdf)

- The proportion of these planning applications that currently go on to require further field evaluation = 25% (c4,300 p.a.)
Average cost per archaeological field evaluation = £7,500
The estimated costs to developers relating to archaeological field evaluations = $4,300 * 7,500 = \text{c}\text{£}32.3\text{m p.a.}$
- The proportion of these planning applications that currently go on to require full excavation = 25% (c1,000 p.a.)
Average cost per excavation = £25,000
The estimated costs to developers relating to excavations = $1,000 * 25,000 = \text{c}\text{£}25\text{m p.a.}$

Research by English Heritage to inform the impact assessment of the draft Heritage Protection Bill in 2008¹¹ estimated that there would be around 600 additional assessments covering historic buildings each year (at a total cost of c£450,000) and around 220 of these would require further evaluations (at a total cost of c£1.65m p.a.).

Assuming that the new PPS results in a similar increase, and that 23% of these go on to require more detailed work (mirroring the pattern above), there may be 50 cases a year where the most detailed recording was necessary, costing c£1.25m.

The estimated total additional cost for developers/owners in relation to historic buildings = £450,000 + £1.65m + £1.25m = £3.35m p.a.¹²

COSTS TO LPAS OF CREATING AND MAINTAINING RECORDS IN HERS (POLICY HE 6)

26. If Policy HE 6 leads to assessments, evaluations and investigations relating to an additional 600 historic buildings each year, the outcomes of these will need to be recorded in the relevant Historic Environment Record.

English Heritage advises that the total cost to all LPAs of creating and maintaining such records in HERs (including text, associated GIS layers, reciprocal links and any necessary updating or amendments to other records or links to grey literature) are likely to be in the order of **c£80-100k p.a.** It also advises that these costs are likely to diminish over time as new systems reduce the amount of double handling and more data is created and exchanged electronically.

¹¹ Unpublished

¹² Against this, developers are interested in getting planning permission as quickly as possible, as they will be paying interest on the deposit paid for their sites. If the developer of a reasonably-sized development site has paid a deposit of £1m, with an (historically low) interest rate of 6%, they will be paying £5,000 a month in interest payments. By investing in assessment and possibly evaluation up-front, they will create certainty for less than the cost of a month's interest on the deposit. This will reduce their chance of encountering delay further down the line as a result of the unexpected discovery of historic or archaeological remains. The costs of last-minute redesign, full-scale excavation, delay in determining an application, delay in starting work or the re-programming of that work as a result of unexpected discoveries are considerable and outweigh investment in early assessment and evaluation many times over. The net saving per annum through increased use of more up-front assessment and evaluation will greatly exceed the limited up-front additional costs.

COSTS OF PROVIDING TRAINING FOR LOCAL AUTHORITY STAFF

27. English Heritage has a well-established training programme offering a range of courses, workshops and published materials for personal study. Training requirements arising from Option 2 would be covered by the Historic Environment Local Management (HELM) programme. HELM courses are offered to local authority staff and elected members free of charge as a way of ensuring they maintain and develop their professional standards. It is estimated that if 9 courses (1 per region) were held, approximately two thirds of the 1,200 historic environment staff currently employed by LPAs would attend at a total cost of £25,000. Training materials – possibly including e-learning – for these courses and also targeted to non-attendees would cost a further £25,000. Total one-off costs of £50,000 would be covered by English Heritage (possibly seeking sponsorship towards the delivery). Training would also be made available by English Heritage to the private sector if other organisations that offer fee-paying courses did not step in to fill the training need. After year one, training would continue to be delivered through the normal HELM programme at no additional cost to the organisation.

FAMILIARISATION COSTS FOR LOCAL AUTHORITY STAFF

28. There may also be some small one off costs for local authorities associated with the need for planning officers to familiarise themselves with the policy.

Benefits of option 2: efficiency savings for LPAs

29. The streamlined and unified policy approach represented by the new PPS should benefit Local Planning Authorities by:
- clarifying how the historic environment should be taken into account in regional and local plan making
 - promoting a shared understanding of the extent and nature of the significance of heritage assets, thereby reducing the number of unnecessary applications for LBC/CAC
 - encouraging developers to submit better quality applications that are less likely to be rejected or require amendment on heritage-related grounds
 - enabling better decisions to be made more rapidly; and
 - reducing the number of outcomes that are challenged.

The ODPM report *Planning Services: Costs and Fees* (2006) suggested that the average gross cost of dealing with an application for planning applications is c£1,500, and for Listed Building Consent (LBC), c£275.¹³

¹³ Planning Services: Costs and Fees, (ODPM, 2006) Available from: www.communities.gov.uk/publications/planningandbuilding/planningservice

English Heritage advises that it is reasonable to assume that one third of planning applications have a heritage dimension (i.e. c200,000 p.a.). As an illustration, if the new PPS delivered a 1% efficiency saving in relation to such decisions, then there would be a cost saving to LPAs equivalent to £15 per heritage-related planning application. Similarly, if a 5% efficiency saving was assumed in relation to the 34,000 applications for LBC and 3,500 applications for Conservation Area Consents (CAC) submitted to LPAs each year, there would be a cost saving to LPAs equivalent to £13.75 per LBC/CAC application.

If this were to be the case then the new PPS would result in efficiency savings for LPAs in the order of £3.52m p.a. in relation to applications for planning permission, LBC and CAC (assuming similar costs for dealing with the latter two types of application). By way of comparison, a selection of alternative scenarios is illustrated below. The NPV range in the summary sheet reflects the sensitivity analysis shown below.

Table 1: Sensitivity analysis of efficiency savings				
Assumed efficiency saving in relation to applications for planning permission	Cost saving per application	Assumed efficiency saving in relation to applications for LBC/CAC	Cost saving per application	Total cost saving
0.5%	£7.5	4.5%	£12.375	£1.96m p.a.
1%	£15	5%	£13.75	£3.52m p.a.
1.5%	£22.5	5.5%	£15.125	£5.07m p.a.

Many of the benefits outlined above are equally applicable to developers. In addition to increasing the efficiency with which applications are processed, the new PPS should lead to greater developer certainty when preparing proposals by promoting:

- clarity about national, regional and local policy in relation to the historic environment;
- the use of publicly accessible evidence bases
- pre-application discussion with LPAs
- consistent approaches to the assessment, evaluation and mitigation of applications that impact on heritage assets
- shared understanding of the extent and nature of the significance of heritage assets; and
- consistent decision making across the full range of heritage assets.

Taking such factors into account it may be reasonable to assume that the new PPS will lead to a reduction in the number of applications for planning permission/ LBC/CAC rejected (and, in some cases, subsequently appealed) or approved with conditions (sometimes necessitating redesign) on heritage-related grounds, but it has not been possible to quantify this and thus monetise the benefits for developers.

Table 2: Summary of key costs and benefits

Option 2: revised and updated planning policy is issued in a single PPS which replaces PPGs 15 & 16.	
Benefits relative to the current situation	Costs relative to the current situation
<p>The Planning White Paper commitment to streamline existing PPGs will be met, with benefits for RPBs, LPAs, developers and owners of heritage assets of greater clarity and less complexity, less duplication and resource and time savings.</p> <p>The momentum of the heritage protection reform programme will be maintained, with the PPS clarifying how the planning system will be expected to contribute to delivery of the Government's vision for England's historic environment in terms of:</p> <ul style="list-style-type: none"> – promoting sustainable development by ensuring that the historic environment forms an integral part of social, environmental and economic development – conserving, and where appropriate, enhancing, heritage assets in a manner appropriate to their significance; and – realising opportunities to advance our knowledge and understanding of our past. 	<p>Some developers and owners of heritage assets would incur additional costs arising from more consistent application of policy relating to the investigation & recording of historic buildings.</p> <p>LPAs face additional costs from creating and maintaining records in Historic Environment Records.</p> <p>English Heritage will face one off costs of providing training in relation to the new policy.</p>
<p>Conclusion: Option 2 is our preferred option. It is consistent with wider reforms of the heritage protection and planning systems and its long term benefits are greater.</p>	

It should be emphasized that there is a large amount of uncertainty in the cost and benefit estimates and so they should be viewed with considerable caution. They are used for illustrative purposes only.

Responses from consultees on the specific questions regarding the impact assessments are attached in Annex C. The Government’s view on these responses is included in that annex and is reflected in the text elsewhere in this impact assessment.

The main issues raised in consultation more generally and the Government’s response is attached at Annex D.

Administrative burdens

There will be additional administrative requirements for developers in relation to the assessment, evaluation and recording of information in historic environment records. These have been estimated in the costs section as **£3.35m** annually. These costs have been deflated using the HM Treasury GDP deflator and the increase in the administrative burdens baseline would be **£3.1m** annually. This figure is included in the summary sheet: analysis and evidence.

Specific impact tests

Competition assessment

30. Option 2 will have little or no effect on competition. It has been assessed against the four key questions identified by the Office of Fair Trading:

Does Option 2:	Yes/No
Directly limit the number or range of suppliers?	No
Indirectly limit the number or range of suppliers?	No
Limit the ability of suppliers to compete?	No
Reduce suppliers’ incentives to compete vigorously?	No

Small firms impact test

31. Option 2 is likely to offer benefits for small firms, and potentially these would be proportionately greater than for larger firms. A streamlined and well organised policy document will mean that policy expectations are easier to understand and comply with. Consequently, applicants should be able to submit better quality planning applications which have a greater chance of success. This is likely to benefit small firms in particular since they are more likely to submit planning applications themselves than larger firms (which are more likely to employ consultants or have in-

house specialist expertise). It is not anticipated that a new planning policy statement would, in itself, lead to an increased number of applications for planning permission (or for listed building consent or conservation area consent).

32. The proposed planning policy statement retains the 'beneficiary pays' principle at the heart of PPG 15 and PPG 16 by ensuring that developers – including commercial developers – are responsible for assessing, evaluating and, where necessary, mitigating the impact of their proposals on the historic environment. As now, such costs will be proportionate to the potential impact of the proposals rather than to the nature of the developer. It would not be appropriate to introduce flexibilities or exemptions for small businesses.
33. Compliance of Option 2 with the Hampton Principles is considered in **Annex B**.

Legal aid

34. Option 2 will have no impact.

Sustainable development, carbon assessment, other development

35. The importance of protecting the historic environment as an aspect of sustainable development is made clear in PPS 1: *Delivering Sustainable Development*.
36. By promoting more effective approaches to the conservation and, where appropriate, enhancement of the historic environment through the planning system, the policy statement proposed under Option 2 will contribute positively to the five principles of sustainable development to which the Government is committed. By explicitly recognising the importance of addressing climate change in this policy area for the first time, it should encourage better decisions that balance heritage conservation issues against energy reduction and other considerations in a realistic manner.

Health impact assessment

37. Option 2 will not have a significant impact on human health or lifestyle, nor will it lead to a significant demand on health or social care services. However, effective conservation and, where appropriate, enhancement of the historic environment is likely to contribute positively to well-being.

Race, disability, gender equality

38. An Equalities Impact Assessment screening has been carried out and we are satisfied that Option 2 will not discriminate on the grounds of race, age, faith and belief, disability, sexual orientation or gender.

Human Rights

39. Option 2 will not have human rights implications.

Rural proofing

40. Option 2 will have little or no rural-specific impact. Although implementation of the policy depends on the accessibility of specialist historic environment advisory and information services, this is a continuation of the current position. Impacts have been assessed against Defra’s rural-proofing checklist.

Checklist:	Yes/No
Will the policy affect the availability of public and private services?	No
Is the policy to be delivered through existing service outlets, such as schools, banks and GP surgeries?	No
Will the cost of delivery be higher in rural areas where clients are more widely dispersed or economies of scale are harder to achieve?	No
Will the policy affect travel needs or the ease and cost of travel?	No
<p>Does the policy rely on communicating information to clients? How will clients access information in rural areas, where there are fewer (formal) places to obtain advice and information?</p>	<p>Yes [However, information about the historic environment is increasingly being made available online – including via the Heritage Gateway – while the Planning Portal provides a one-stop-shop for planning services online.]</p>
Is the policy to be delivered by the private sector or through a public-private partnership?	No
Does the policy rely on infrastructure (e.g. broadband ICT, main roads, utilities) for delivery?	No
<p>Will the policy impact on rural businesses, including the self-employed? Will it have a different effect on smaller businesses (which employ a greater proportion of the workforce in rural areas) or those sectors which are typically more significant in rural areas – farming and construction? Will the higher proportion of self-employed people in rural areas be affected by the policy (including women running part-time businesses)?</p>	<p>Yes [Option 2 will impact on developers of all sizes. However, these will be proportionate to the potential impact of the proposed development – as is currently the case under PPG 15 & PPG 16.]</p>

Checklist:	Yes/No
<p>Will the policy have a particular impact on land-based industries and, therefore, on rural economies and environments?</p> <p>How will the policy affect the agricultural sector and the mining, extraction and water industries, which have a particular importance in many rural areas?</p> <p>Will there be a knock-on effect on the environment (given that 70% of the land is farmed)? Conversely, if the policy affects the environment, what are the implications for businesses based on natural resources such as tourism, leisure, renewable energy and food production?</p>	<p>Yes</p> <p>[Option 2 will impact on land-based development (i.e. mining and extraction, but not agriculture¹⁴). Conservation of the historic environment is beneficial for tourism, leisure etc.]</p>
<p>Will the policy affect those on low wages or in part-time or seasonal employment?</p>	<p>No</p>
<p>Is the policy to be targeted at the disadvantaged?</p>	<p>No</p>
<p>Will the policy rely on local institutions for delivery?</p>	<p>No</p>
<p>Does the policy depend on new buildings or development sites?</p>	<p>No</p>

¹⁴ Agriculture is not classed as 'development' under the Planning Acts. Mitigation of the impacts of agriculture on the historic environment is addressed through other measures, including the Rural Development Programme for England.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	Results in Evidence Base?	Results annexed?
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	Yes	No
Sustainable Development	Yes	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	Yes	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	Yes	No

Annexes

Annex A

Summary of key costs and benefits and assumptions

OPTION 1			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
Regional Planning Bodies and Local Planning Authorities continue to implement policy set out in PPG 15 and PPG 16	No new resource implications for planning authorities or developers.	LPAs have access to specialist expertise covering all aspects of the historic environment (built environment, archaeology and landscape).	LPAs currently have variable access to specialist expertise.
OPTION 2			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
<p>Policy HE 1: Heritage assets and climate change</p> <p>This policy is consistent with the Planning and Climate Change Supplement to PPS1 on reduction of carbon dioxide emissions and promoting solutions that mitigate climate change</p>	<p><u>Costs</u> Regional Planning Bodies and Local Planning Authorities: no additional resource implications. Developers/owners: n/a</p> <p><u>Benefits</u> Regional Planning Bodies, Local Planning Authorities, developers and owners: no additional benefits apart from reminding authorities that potential conflicts need to be managed carefully.</p>	That authorities are already following the policies in the PPS1 Climate Change Supplement.	

OPTION 2 (continued)			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
<p>Policy HE 2: Evidence base for plan-making</p> <p>This policy is consistent with the emphasis in PPS 12: <i>Creating Strong Safe and Prosperous Communities Through Local Spatial Planning</i> that plan making should be based on a robust and credible evidence base. It updates policy set out in PPG 16 by recognising that most archaeologically-focused Sites and Monuments Records (SMRs) have now broadened their scope to encompass evidence relating to other aspects of the historic environment – thus becoming Historic Environment Records (HERs) – or are in the process of doing so.</p> <p>PPG 15 does not explicitly require planning authorities to have an evidence base before creating historic environment policy or taking decisions, but this is covered more generally by PPS 11 and PPS 12.</p>	<p>Costs</p> <p>Regional Planning Bodies and Local Planning Authorities: no additional resource implications.</p> <p>Developers/owners: n/a</p> <p>Benefits</p> <p>Regional Planning Bodies, Local Planning Authorities, developers and owners: some additional benefits – the policy consolidates current sectoral practice, which has evolved since the publication of PPGs 15 & 16.</p> <p>By promoting an approach where all relevant information is available in a single location and all new information is deposited there, it ensures that any new research commissioned by an applicant not only informs the specific application in question, but also improves the quality of future planning and decision making in the vicinity.</p>	<p>All LPAs currently maintain or have access to an HER – in total there are c80 HERs in England.¹⁵</p> <p>No increase in the number of HERs will be necessary and the majority will continue to be hosted by single/upper tier local authorities and National Park Authorities – and in Greater London, by English Heritage.</p> <p>In addition to information about individual heritage assets, the content of HERs includes the outcomes of completed historic characterisation projects.</p> <p>National standards and guidance for HERs will be published, promoted and supported by English Heritage.</p> <p>LPAs have access to specialist expertise covering all aspects of the historic environment (built environment, archaeology and landscape).</p>	<p>LPAs will need to continue to invest in the maintenance and development of HERs, particularly if their potential as community resources is to be realised more consistently.</p> <p>Coverage of built and marine heritage in HERs is currently inconsistent and will need to be enhanced over the medium/long term.</p> <p>LPAs currently have variable access to specialist expertise. The forthcoming survey for the <i>Delivering the Heritage Protection Reforms: A report on local authority and English Heritage Resources</i> report will show that in 2008 there were 756 FTE staff employed by English local planning authorities on historic building issues and 401 FTEs working on archaeological issues, giving a total of 1157. This was a 5% drop in numbers from 2006, but higher than in 2003. These figures demonstrate that total numbers employed fluctuate and suggest a current decline. This may parallel recent data from the Institute for Archaeologists on the current decline in private sector employment in archaeology.</p>

¹⁵ Details of current HERs can be found at: www.heritagegateway.org.uk/Gateway/CHR/

OPTION 2 (continued)			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
	<p>Others: in addition to the groups identified above, the ability to access comprehensive and up-to-date sources of information about the historic environment of a locality is of direct benefit to planning/environmental consultants, highways engineers, statutory undertakers, land managers, farmers, academic researchers, local societies, amateur historians/archaeologists, teachers, students and interested members of the public – as well as to historic environment professionals working in the public, private and voluntary sectors.</p>		

OPTION 2 (continued)				
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks	
<p>Policy HE 3: Regional and local planning approaches</p> <p>This policy is broadly consistent with that in:</p> <p>PPS 11: <i>Regional Spatial Strategies</i>, which identifies culture as one of the policy topics to be taken into account in plan making, and in this context makes reference to policy and guidance relating to conservation of the historic environment set out in PPGs 15 & 16.</p> <p>It is also consistent with policy currently set out in: PPGs 15 & 16 (in relation to conservation of the historic environment); and PPS 1: <i>Planning for Sustainable Development</i> (in relation to delivery of the Government's aims for sustainable development in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment, and a just society that promotes social inclusion, sustainable communities and personal well being, in ways that protect and enhance the physical environment and optimise resource and energy use).</p>	<p>Costs</p> <p>Regional Planning Bodies and Local Planning Authorities: no additional resource implications.</p> <p>Developers/owners: n/a</p> <p>Benefits</p> <p>Regional Planning Bodies/Local Planning Authorities: enhanced consideration of the historic environment in the plan-making process should help planning authorities to identify and realise the positive contribution it can make to delivery of wider objectives at both regional and local level.</p> <p>The importance of the environment as a regional driver for growth is already recognised (for example in <i>The Regional Spatial Strategy for the SW</i>). Research by the National Trust on <i>Valuing our Environment</i> (2001) shows that 40% of employment in tourism (rising to 70% in rural areas) is dependent upon a high quality natural and built environment. The National Trust estimates that each of its employees generates additional employment of between 5 and 9 FTE. In the NE region, environmental employment generates over £1bn with 27,000 people employed directly on natural and historic environment and a total of 67,000 people employed in tourism as a whole (amounting to 7% of regional employment).</p>	<p>Applicants take account of policies in putting forward their proposals for change.</p> <p>LPA's have access to specialist expertise covering all aspects of the historic environment (built environment, archaeology and landscape).</p>	<p>Consideration of the historic environment in regional plans is currently of variable quality.</p> <p>LPA's currently have variable access to specialist expertise.</p>	

OPTION 2 (continued)			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
	<p>Ensuring that the historic environment is well cared-for and that its potential is fully realised is important. In 2007-08, the five properties managed by Historic Royal Palaces welcomed almost three million people and generated £52m direct income.</p> <p>Research published by RICS, the British Property Federation and English Heritage in <i>Heritage Works: the use of historic buildings in regeneration</i> (2007) shows that investment in heritage-led regeneration creates jobs and facilitates the creation of new businesses (2,300 direct and indirect jobs and 286 new businesses in the Grainger Town area of Newcastle upon Tyne; 3,500 jobs and 210 new businesses in the Lace Market area of Nottingham. However, it is not possible to demonstrate the comparative figure of employment and start-ups had all the historic buildings had been replaced with new ones. Both areas benefited from a strong planning policy steer from the relevant local authorities.</p>		

OPTION 2 (continued)			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
	<p>Developers/owners: will be able to prepare applications for planning permission in a context where issues and expectations relating to the historic environment are clearer. Provided they take proper account of these policies, their applications are more likely to be approved. The key saving for developers in such situations is often time, and as they will usually be paying interest on a loan for the development site, anything that speeds delivery offers significant financial benefit.</p> <p>The EH publication <i>Constructive Conservation in Practice (2008)</i> sets out 20 examples of high quality imaginative design in a historic context which resulted in popular and saleable/lettable commercial and residential developments (including Princesshay retail development in a very sensitive part of Exeter and Royal Clarence Yard, centre of a £100m regeneration project in Gosport)</p>		

OPTION 2 (continued)			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
<p>Policy HE 4: Permitted development and Article 4 directions</p> <p>This policy is broadly consistent with policy currently set out in PPG 15.</p>	<p>Costs</p> <p>Regional Planning Bodies: n/a</p> <p>Local Planning Authorities: no significant additional resource implications – although LPAs would be asked to ‘consider’ the use of Article 4 directions, no degree of regularity or formal process is indicated.</p> <p>Developers/owners: if the policy were to lead to LPAs declaring additional Article 4 directions this would create a new burden for some property owners of having to apply for consent for development that was previously permitted development.</p> <p>For an individual owner wishing to carry out works that but for an Article 4 direction would be permitted development, there is no application fee, but there would be an administrative cost of making an application. A householder application is estimated to impose administrative costs of £750, while a minor application costs £1450.¹⁶ As it is not possible to predict where an LPA may restrict permitted development rights, we have not been able to quantify possible costs relating to this policy. However, properties in well-kept historic areas often sell for a premium (<i>Heritage Counts 2003</i>).</p>	<p>LPAs use Article 4 powers selectively (i.e. only in sensitive areas where further protection is necessary in order to enable change to be managed in more detail). Applicants take account of policies in putting forward their proposals for change.</p>	<p>LPAS may under or over use Article 4 powers if they are not given clear guidance.</p> <p>Forthcoming research from English Heritage will show that 13% of Conservation Areas currently have Article 4 directions in place and that where there are such directions, LPA conservation officers are twice as likely to believe that the character of these areas will improve in the following three years when compared to Conservation Areas without Article 4 directions.</p>

¹⁶ Administrative costs taken from PwC Administrative Burdens Measurement Final Report (CLG, 2006), available from www.communities.gov.uk/archived/publications/corporate/simplification-plan

OPTION 2 (continued)			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
	<p>Benefits Regional Planning Bodies: n/a Local Planning Authorities: no additional benefits. Developers/owners: no additional benefits.</p>		
<p>Policy HE 5: Monitoring indicators This policy is broadly consistent with policies in PPS 12: <i>Local spatial planning</i> that gives guidance on the monitoring of core strategies. Monitoring the impact of their planning policies and decisions on the historic environment is now established good practice.</p>	<p>Costs Regional Planning Bodies: n/a Local Planning Authorities: no additional resource implications Developers/owners: n/a Benefits Regional Planning Bodies: n/a Local Planning Authorities: in order to ensure that policies are appropriate and proportionate, monitoring is essential in all aspects of planning; by focusing on those parts of the historic environment that are most 'at risk' LPAs will be better able to target their resources in the most effective way. Developers/owners: n/a</p>	<p>LPAs have access to specialist expertise covering all aspects of the historic environment (built environment, archaeology and landscape). English Heritage will continue to provide LPAs with baseline information on heritage assets at risk and assist them in recognising the efficiency savings that can accrue from the focussing of resources on such assets.</p>	<p>Some owners of heritage assets identified as being 'at risk' may be unhappy at their property being listed as such. However, evidence from work by English Heritage on 'buildings at risk' shows that positive targeting of efforts can result in a fall in the number of 'at risk' assets. LPAs currently have variable access to specialist expertise.</p>

OPTION 2 (continued)				
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks	
<p>Policy HE 6: Information requirements for applications for consent affecting heritage assets</p> <p>Policy on the validation of applications for planning permission, including those likely to impact on the historic environment, is currently set out by CLG in <i>The Validation of Planning Applications: Guidance for Local Planning Authorities</i>.¹⁷ This emphasises that the information required should be proportionate to the type and scale of application being made.</p> <p>The link between SMR/HERs and applications for planning permission was specific in PPG 16 in relation to sites with archaeological implications, but was only implied in PPG 15 in relation to listed buildings. This policy clarifies that the HER should be the starting point for gathering information on all applications, not just those with archaeological implications.</p>	<p>Costs</p> <p>Regional Planning Bodies: n/a</p> <p>Local Planning Authorities: the implication that all applicants for planning permission should consult the relevant HER to inform their application will have an impact on those LPAs responsible for maintaining HERs. It is anticipated that current staffing levels of HERs may need to increase very marginally.</p> <p>Developers/owners: applications impacting on the historic environment should already be accompanied by a 'heritage statement, to be included within the design and access statement if one is required'; this policy indicates that the preparation of such statements should involve consultation of the relevant HER.</p> <p>Most LPAs charge commercial developers for the use of HER content, hence those developers who might not otherwise have had recourse to consult the HER will now need to do so, and in doing so, pay the relevant fees.</p> <p>However, this impact is unlikely to be felt until current issues about the coverage of the built environment in HERs are resolved since developers would not be charged if an HER contains no information about a particular building.</p>	<p>LPAs have access to specialist expertise covering all aspects of the historic environment (built environment, archaeology and landscape). LPAs are able to assess what information they will need to make a decision when an application is first lodged.</p> <p>All LPAs currently maintain or have access to an HER.</p> <p>The costs to local planning authorities of employing additional staff in HERs are met through the charges levied on developers (and their agents) for the use of HER content for commercial purposes.</p>	<p>LPAs currently have variable access to specialist expertise.</p> <p>Coverage of the built environment and the marine historic environment in HERs is currently inconsistent and will need to be enhanced over the medium/long term.</p> <p>Estimated cost/benefits do not take account of the impact of the economic downturn on the number of development proposals brought before local planning authorities.</p>	

¹⁷ www.communities.gov.uk/publications/planningandbuilding/validationplanningapplications

OPTION 2 (continued)			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
	<p>Benefits</p> <p>Regional Planning Bodies n/a</p> <p>Local Planning Authorities:</p> <p>Developers/owners: this policy will make it less likely that relevant information in the HER is overlooked by applicants as they are putting together their justification for development. This will lead to developers and owners putting in better quality applications containing the best available information, which in turn will lead to better and quicker decisions being made by the LPA. The level of detail required should be proportionate to the importance of the heritage asset and sufficient to understand the impact.</p>		

OPTION 2 (continued)				
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks	
<p>Policy HE 7: Policy principles guiding the determination of applications for development relating to all heritage assets</p> <p>This policy is broadly consistent with policy relating to conservation of the historic environment that is currently set out in PPGs 15 & 16.</p>	<p>Costs</p> <p>Regional Planning Bodies: n/a</p> <p>Local Planning Authorities/owners: no additional resource implications. However, by requiring LPAs to consult the relevant HER in relation to all applications, this policy is likely to result in an increase in the workloads of HER staff over the medium/long term. However, this impact is unlikely to be felt until current issues about the coverage of the built environment in HERs are resolved.</p> <p>Developers/owners: n/a</p> <p>Benefits</p> <p>Regional Planning Bodies n/a</p> <p>Local Planning Authorities/ developers/owners: in setting out planning policy for the treatment of all historic assets in a single place and in a clearer form, the PPS should reduce the scope for misunderstandings and encourage more efficient applications and decision-making.</p>	<p>All LPAs currently maintain or have access to a Historic Environment Record (HER).</p> <p>The majority of HERs will continue to be hosted by single and upper tier local authorities and National Park Authorities – and in Greater London, by English Heritage.</p> <p>National standards and guidance for HERs will be published, promoted and supported by English Heritage.</p> <p>LPAs have access to specialist expertise covering all aspects of the historic environment (built environment, archaeology and landscape).</p> <p>LPAs will not misinterpret the policy by requiring additional information that is not strictly required to determine an application.</p> <p>English Heritage will provide training to LPAs in the implementation of the new PPS.</p>	<p>LPAs will need to continue to invest in the maintenance and development of HERs.</p> <p>Coverage of the built environment and the marine historic environment in HERs is currently inconsistent and will need to be enhanced over the medium/long term.</p> <p>LPAs currently have variable access to specialist expertise. Those without sufficient in-house expertise may be encouraged by this policy to seek more advice from national or local amenity societies, thereby placing additional burdens on them.</p>	

OPTION 2 (continued)			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
<p>Policy HE 8: Additional policy principle guiding the consideration of applications for consent relating to heritage assets other than designated heritage assets</p> <p>This policy is consistent with the legislation that planning applications should take all material considerations into account when determining applications.</p>	<p>Costs</p> <p>Regional Planning Bodies: n/a</p> <p>Local Planning Authorities/owners: no additional resource implications.</p> <p>Developers/owners: no additional resource implications</p> <p>Benefits</p> <p>Regional Planning Bodies and Local Planning Authorities:</p> <p>Developers/owners: the additional clarity this policy brings should assist developers in making applications that, in information levels and structure, help LPAs to determine the relative merits of their schemes.</p>	<p>LPAs have access to specialist expertise covering all aspects of the historic environment (built environment, archaeology and landscape). English Heritage will provide training to LPAs in the implementation of the new PPS.</p>	<p>LPAs currently have variable access to specialist expertise.</p>
<p>Policy HE 9: Additional policy principles guiding the consideration of applications for consent relating to designated heritage assets</p> <p>This policy is broadly consistent with policy relating to conservation of the historic environment that is currently set out in PPGs 15 & 16.</p>	<p>Costs</p> <p>Regional Planning Bodies: n/a</p> <p>Local Planning Authorities/owners: no additional resource implications.</p> <p>Developers/owners:</p> <p>Benefits</p> <p>Regional Planning Bodies and Local Planning Authorities:</p> <p>Developers/owners: the additional clarity this policy brings should assist developers in making applications that, in information levels and structure, help LPAs to determine the relative merits of their schemes.</p>	<p>LPAs have access to specialist expertise covering all aspects of the historic environment (built environment, archaeology and landscape). English Heritage will provide training to LPAs in the implementation of the new PPS.</p>	<p>LPAs currently have variable access to specialist expertise.</p>

OPTION 2 (continued)			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
<p>Policy HE 10: Additional policy principles guiding the consideration of applications for development affecting the setting of a designated heritage asset (the surroundings in which a heritage asset is experienced).</p> <p>This policy is broadly consistent with that set out in PPGs 15 & 16</p>	<p>Costs Regional Planning Bodies: n/a Local Planning Authorities/ developers/owners: no additional resource implications</p> <p>Benefits Regional Planning Bodies: n/a Local Planning Authorities/ developers/owners: no additional benefits</p>	<p>LPA's have access to specialist expertise covering all aspects of the historic environment (built environment, archaeology and landscape). English Heritage will produce advice on the interpretation of 'setting' in parallel with the PPS and its supporting guidance. English Heritage will provide training to LPA's in the implementation of the new PPS.</p>	<p>Setting will remain an occasionally controversial issue: although guidance should help to reduce the areas of disagreement, the issue will always require LPA's to exercise skill and judgement when determining the impact of an application. LPA's currently have variable access to specialist expertise.</p>

OPTION 2 (continued)			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
<p>Policy HE 11: Enabling Development</p> <p>This policy is an extension of Policies HE 9 and HE 10 and sets out the criteria for assessing applications that seek approval for new development that would benefit the conservation of a heritage asset.</p> <p>The principles for assessment were established in PPGs 15 and 16, and more recently by English Heritage in the guidance, <i>Enabling Development and the Conservation of Significant Places</i> (2008, English Heritage).</p>	<p>Costs</p> <p>Regional Planning Bodies: n/a</p> <p>Local Planning Authorities: no additional costs – as this is a framework for decision-making, there is no new administrative burden.</p> <p>Developers/owners: no additional costs – the policy simply makes clear what information a LPA will require if an application is to have a chance of being approved.</p> <p>Benefits</p> <p>Regional Planning Bodies: n/a</p> <p>Local Planning Authorities: the policy clarifies the tests by which they should assess enabling development applications and will reduce the chances of the refusal of an application that would be upheld at appeal.</p> <p>Developers/owners: by clarifying the information that an applicant will need to provide if they are to persuade a local authority to accept an application that is contrary to the LDF, the policy will reduce the chances of an application being submitted that stands no chance of approval, thus preventing wasted effort.</p>	<p>LPA's have access to specialist expertise covering all aspects of the historic environment (built environment).</p> <p>English Heritage has provided training to over 800 people in 2008-09 on its current enabling development policy. If necessary, it will deliver more training once the PPS comes into force.</p>	<p>'Enabling development' will remain an occasionally controversial issue. Although guidance and advice may help to reduce areas of disagreement, it will always remain an issue where an LPA will need to use its skill and judgement when determining the effect of an application.</p> <p>LPA's currently have variable access to specialist expertise.</p> <p>English Heritage policy on enabling development has been accepted as a material consideration by Planning Inspectors in assessing appeals and simply clarifies existing practice.</p>

OPTION 2 (continued)				
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks	
<p>Policy HE 12: Policy principles guiding the recording of information related to heritage assets</p> <p>This policy is a continuation of policy currently set out in PPGs 15 & 16, whereby applicants are expected to fund the costs of assessing, evaluating and, if necessary, mitigating the impacts of their proposals on the historic environment – with the outcomes of such investigations made accessible for public benefit.</p> <p>In applying this policy across the full range of heritage assets LPAs will need to recognise that many buildings have archaeological interest as well as historic or architectural interest.</p>	<p>Costs</p> <p>Regional Planning Bodies: n/a</p> <p>Local Planning Authorities: no significant additional resource implications. In clarifying the application of principles already enshrined in PPGs 15 & 16, it will ensure that recording is applied consistently and proportionately across all forms of heritage asset.</p> <p>More consistent assessment and evaluation of buildings prior to development may result in the deposition of an estimated additional 600 records p.a. in HERs. However, additional costs incurred by individual LPAs are expected to be negligible.</p> <p>Developers/owners: no significant additional resource implications. If more published outputs result from this policy, there may be a marginal increase in cost for a few developers who previously might have gone as far as commissioning a report, but not publishing it. Set against the overall development costs, this addition is insignificant.</p>	<p>All LPAs currently maintain or have access to a Historic Environment Record (HER).</p> <p>National standards and guidance for HERs will be published, promoted and supported by English Heritage.</p> <p>LPAs have access to specialist expertise covering all aspects of the historic environment (built environment, archaeology and landscape).</p> <p>LPAs specify that investigations undertaken as an outcome of pre-application discussion, or as a planning condition or obligation, should be conducted in accordance with relevant professional standards.¹⁸</p> <p>Most recording will remain archaeological because applications for Listed Building Consent (or for planning permission in relation to an unlisted building) that involve the loss of significant fabric, on a scale that is likely to trigger a condition specifying recording and subsequent publication will only rarely be granted approval.</p> <p>English Heritage will offer more training in this topic area, if required.</p>	<p>LPAs will need to continue to invest in the maintenance and development of HERs.</p> <p>Coverage of built and marine heritage in HERs is currently inconsistent and will need to be enhanced over the medium/long term</p> <p>LPAs currently have variable access to specialist expertise.</p> <p>Policies relating to the investigation and recording of buildings are currently applied less consistently that to archaeological remains.</p> <p>Compliance of written schemes of investigation agreed by LPAs and developers with professional standards is variable.</p> <p>The capacity of museums/archives to access archives generated by development-related archaeological investigations is limited.</p> <p>Many reports of investigations undertaken in the course of the planning process currently remain unpublished or in limited circulation – so called “grey literature”.</p>	

¹⁸ Such as those published by the Institute for Archaeologists (www.archaeologists.net/modules/content/index.php?page=15)

OPTION 2 (continued)			
Measure and description	Costs and benefits	Assumptions	Issues, sensitivities and risks
	<p>Benefits</p> <p>Regional Planning Bodies and Local Planning Authorities/developers/owners: benefits derived from the contribution of developer-funded investigations to enhancing the evidence base maintained in HERs will be increased if such investigations are undertaken in accordance with appropriate standards and their outcomes made more readily accessible. It is not possible to quantify these benefits.</p> <p>Others: the public value derived from advancements in understanding about the historic environment of a locality will be similarly enhanced if the outcomes of investigations commissioned during the planning process are made available to communities of interest in a timely manner. It is not possible to quantify these benefits.</p>		

Annex B

Compliance with Hampton principles

1. The Hampton Review¹⁹ was aimed primarily at business and reducing administrative and regulatory burdens for that sector. It set out ten principles for regulatory enforcement. These covered areas such as the use of comprehensive risk assessment; the way in which regulators should behave and the enforcement of regulations.
2. The review's central objective was to raise both the quality and effectiveness of the regulatory system, and sought to build on the strengths of the regulatory system as it exists at present, especially regulatory independence. It also considered that over time its proposals had the potential to reduce the direct cost of regulation to Government and regulated sectors.
3. By seeking to reconcile conservation of the historic environment with other economic, social and environmental benefits that may be associated with development, the planning policy statement proposed under Option 2 will impact on three sectors of business – commercial developers, businesses which own heritage assets and commercial contractors for historic environment services. In such circumstances the most relevant Hampton principles are likely to be those which indicate that businesses should not have to give unnecessary information (nor give the same piece of information twice), and that they should be able to access authoritative and accessible advice.
4. In addition to realising the benefits to businesses of streamlining the presentation of planning policy (see paragraphs 17-29 of the Impact Assessment), Option 2 will tackle these issues in several ways, including by emphasising the importance of:
 - planners & developers utilising specialist historic environment advisory and information services from the pre-application stage onwards
 - proportionality in the specification of information required by Local Planning Authorities to validate applications for development
 - ensuring that information generated through the development process is made publicly accessible through deposition in the relevant Historic Environment Record – thereby helping to improve the evidence base for future decision making; and

¹⁹ www.hm-treasury.gov.uk/d/bud05hamptonv1.pdf

- consistency in the quality of historic environment-related advice offered to planners & developers, including through adherence to relevant professional standards.

Annex C

Extract from analysis of consultation responses on impact assessment

Question 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?

(A) Do you agree with the conclusions of the consultation stage impact assessment?

Answered	%	Yes	%	Yes but	%	No	%	No but	%
253	52	16	6	75	30	148	58	14	6

This is the sixth most frequently answered question among all respondents. There is a particular emphasis on this question in responses from some of the groups: county and unitary authorities, district authorities, amenity/preservation societies, and archaeologists.

A majority of respondents (64%) do not agree with the conclusions of the impact assessment. A large majority of respondents in the following groups take this view: key stakeholders, district authorities, other authorities, and amenity/preservation societies.

General comments on additional costs and limited savings cover:

- the new system, by increasing uncertainties (and likelihood of appeals) will lead to **increased costs and delays** (key stakeholders, county and unitary authorities, district authorities, amenity/preservation societies, heritage professionals)
- there is **a lack of skills and resources** in this area that will require improved training and major funding for which provision has not been made (county and unitary authorities, district authorities, amenity/preservation societies, archaeologists)

- there will **not be the savings from reduction in double-handling** as suggested in the impact assessment (district authorities, key stakeholders); and
- enabling **charges for listed building consent** might ease financial burden (county and unitary authorities).

(B) 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?

Answered	%	Yes	%	Yes but	%	No	%	No but	%
107	22	18	17	26	24	54	50	9	8

This is one of the least frequently answered questions among all respondents. There is, however, a particular emphasis on this question in responses from some of the groups: key stakeholders, other authorities, amenity/preservation societies, heritage professionals, and archaeologists.

A majority of respondents (58%) do not agree that additional costs have been correctly identified for LPAs and owners/developers. Almost all respondents in the following groups take this view: amenity/preservation societies, and commercial property interests.

The concerns include the following:

- underestimate of the **extra burden on LPAs** through assessment of un-listed assets, pre-application discussions, updating and maintenance of HERs plus IT requirements, provision of repositories for archives and material, extra work on validation, use of expert advice (key stakeholders, county and unitary authorities, district authorities, other authorities, amenity/preservation societies, heritage professionals, archaeologists, commercial property interests, members of the public)
- underestimate of the **extra burden on developers and especially individual owners** through assessment reports, understanding terminology (for example, artistic), use of specialist advisers, HER searches, publication of reports, pre-application discussions (county and unitary authorities, district authorities, other authorities, amenity/preservation societies, heritage professionals, archaeologists, commercial property interests)
- additional burden also on **statutory consultees and voluntary sector**, including need for training and community capacity building (key stakeholders, amenity/preservation societies); and
- importance of having a **sliding scale of information needs** required (county and unitary authorities).

Government comments on issues raised

General comments under (A)

- *Assertion that the new system would increase costs and delays because of uncertainty.* We have considered this assertion further. The new system is designed to increase clarity by refining the policy and having separate practice guidance. Once the initial familiarisation period is over, both authorities and applicants should be increasingly certain about the relevant policies.
- *Assertion that there is a lack of skills and resources in this area.* We believe that respondents have conflated the general debate about the skills and resources available to authorities when dealing with the historic environment with the amount of training that local authority staff may need to adapt to the new-style PPS and guidance. Paragraph 27 of the Evidence Base discusses the training programmes provided by English Heritage.
- *The assertion that charges for listed building consent might ease financial burden.* We note this response but introducing charges is not possible because there is no provision in the primary legislation for charges to be levied.

Concerns under (B)

- *The extra burden on LPAs for various aspects of the PPS has been underestimated.* A separate policy on pre-application discussions has been deleted since the consultation on the policy as it duplicates PPS1. Extra work on validation has been reduced as policy HE 6 has been redrafted to ensure that the level of detail required for the description of the heritage assets concerned is proportionate to the impact on its significance. Heritage statements should also be subsumed in design and access statements where these are required. The assessment of unlisted assets, updating and maintenance of HERS (including IT), repositories for archives and the use of expert advice are discussed in the monetised costs, which is based on research by English Heritage. No assessments which improve on this have been provided.
- *The extra burden on developers and individual owners for various aspects of the PPS has been underestimated.* A separate policy on pre-application discussions has been deleted as it duplicates PPS1. Understanding terminology will be addressed in the English Heritage Practice Guide. Extra work on assessment reports has been reduced as policy HE 6 has been redrafted to ensure that the level of detail required for the description of the heritage assets concerned is proportionate to the impact on its significance. The use of specialist advisers, HER searches and publication of reports are discussed in the monetised costs above, which is based on research by English Heritage. No assessments which improve on this have been provided.

- *There will be an extra burden on statutory consultees and voluntary sector including need for training and community capacity building.* This PPS places no new burdens on statutory consultees. Any need for training and community capacity building is pre-existing and not changed by this PPS. Training requirements are discussed in paragraph 27 of the Evidence Base. No assessments that challenge that assessment have been provided.
- *It is important to have a sliding scale of information needs.* Policy HE 6 has been redrafted to ensure that the level of detail required for the description of the heritage assets concerned is proportionate to the impact on its significance.

Annex D

Main issues raised in consultation and the Government's response

1. Need for the historic environment to be seen as a positive force in sustainable development

Consultees expressed some concern that the PPS is drafted as though the historic environment is an obstacle to sustainable development, and that any references placing the historic environment in a more positive light are restricted to its narrow role in leisure or recreation. They requested more emphasis on the positive role of heritage in relation to regeneration, economic development, social enhancement and place-making.

Action taken

New text has been inserted under the Government's objectives and in the policies to recognise the contribution that heritage assets can make to sustainable development. This will be reinforced, when the Government's Statement on The Historic Environment for England is published.

2. Proportionality of approach

Consultees wanted to see a more proportionate approach, particularly in relation to evidence gathering and information requirements. They commented that this could otherwise impose a disproportionate burden on applicants (particularly owners of heritage assets), local planning authorities and third parties, causing uncertainty and potential delay.

An associated point was that Historic Environment Records (HERs), the enhancement of which is promoted in the PPS (in the absence of the legal requirement which was included in the draft Heritage Protection Bill, that all LPAs should maintain or have access to a HER) are currently variable in quality and completeness and should not be relied upon as the main source of information.

Action taken

The need for a proportionate approach has been underlined in the text as a general requirement, but particularly in relation to evidence gathering and to the information required of applicants for listed building consent. Additionally, less emphasis is placed on Historic Environment Records (HERs) as the only source of evidence. The text recognises that other sources of information could be important and encourages local authorities to use them. English Heritage's revised draft Practice Guide, which will be published to support the PPS, emphasises that HERs vary considerably and draws attention to other information sources.

3. Treatment of climate change

The consultation raised concerns about the treatment of climate change, especially that it gave the impression that mitigation of climate change took precedence over conservation. Others commented that the references to climate change throughout the text should be consolidated into a single policy.

Action taken

The references to climate change have now been consolidated and placed near the top of the text. This makes a stronger statement of the Government's intent, and should satisfy both the heritage sector and stakeholders interested in the mitigation of the effects of climate change.

A new paragraph has been added, designed to give local planning authorities a clearer steer on how to respond to conflicts between conservation and climate change imperatives, through their development plans and decisions on individual applications.

4. Restoration of presumption in favour of conservation

Many consultees, particularly in response to the consultation question "Are the policies and principles set out in the PPS the key ones that underpin planning policy on the historic environment?", commented that there should be an unequivocal statement of presumption in favour of protection of heritage assets from inappropriate change.

Action taken

The existing PPG 15 includes such a presumption in relation to listed buildings only (though some consultees were under the impression that it extends to all aspects of the historic environment). We rejected the idea of incorporating a presumption at consultation stage as we considered it had little practical effect, in that protection was provided by the application of the various policies in the circumstances of each case. We have reinstated the presumption for designated assets.

5. Need for greater clarity about the degree of protection for designated and undesignated assets

Although there was general support for the ‘single spectrum’ approach of the consultation draft (ie. where most policies related to all heritage assets, whether or not designated), a number of consultees felt that there should be a clearer distinction between designated and undesignated assets particularly in terms of the protection they should receive. This point was often associated with a comment that the definition of “heritage asset” was wide and did not make such a distinction, and/or with a comment the consultation draft, by referring to assets of the highest significance in terms of grade I and II listed buildings, effectively downgraded the importance of grade II (unstarred) listed buildings.*

Action taken

The “single spectrum” approach arises from the need to find a way of applying the PPS to the different types of heritage asset, which historically may have been assessed in different ways. We have incorporated a new policy principle, specifically relating to the protection that should be given to undesignated assets and clarified the position in relation to grade II (unstarred) listed buildings. The key tests for determining in what circumstances harm to a heritage asset could be tolerated in the wider public interest, now apply to designated assets only. For undesignated assets, heritage status will be a material consideration in determining planning applications or application for listed building consent.

Additionally, the definition of “heritage asset” in Annex 1 of the draft has been expanded to clarify the different types of asset it includes.

6. Improving the definition of significance

Establishing the ‘significance’ of a heritage asset is a key element of the plan-making and decision-making processes, and many consultees felt that the definition of ‘significance’ should be clearer and more detailed, and should relate more clearly to the legislative basis for the different types of heritage asset. This comment was often associated with a plea for comprehensive references to the legislative context of the policy, namely the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990, particularly as the Heritage Protection Bill has not been taken forward.

Action taken

The expanded definition of ‘heritage asset’ and the amended definition of ‘significance’ in Annex 1 of the PPS now cross-refer to one another. This should help to place the concept of significance in context. English Heritage’s revised draft Practice Guide provides more detailed guidance. The term ‘significance’ might be new but the concept is not new. The term is a generic one relating to the special interest held by each type of heritage asset,

and is firmly linked to terms (architectural and historic interest) used in the 1990 Act referred to above. The concept of 'archaeological interest', also used in the definition, is well-established in PPG 16 (Archaeology and Planning, published in 1990) and familiar to the sector.

The present PPGs 15 and 16 have extensive references to the legislative requirements in the 1979 and 1990 Acts. We intend that the new-style PPSs should focus on policy principles and not simply repeat legal duties. However, we will suggest that the legal framework for decisions should be spelt out in the accompanying guidance being prepared by English Heritage.

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