



30th September 2009

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Dear Mr Weatherby

RESPONSE TO THE DCLG CONSULTATION ON DRAFT PPS15: COMMENTS ON BEHALF OF THE ENGLISH STONE FORUM

1. The English Stone Forum

1.1 The English Stone Forum was set up to promote dialogue between key interested organisations to debate and disseminate information on issues concerning the supplies of appropriate building and roofing stone, and roofing slate that are essential for repair and conservation of existing buildings and in new building that provides a sense of place by using traditional materials. The aims and membership of the Forum are at Appendix A to this response. I am responding in my capacity of current chairman of the Forum. **Views expressed in this response are those of the Forum. These are not necessarily views of those organisations that representatives attending the English Stone Forum Committee are drawn from.** The response has four sections: first some general comments, secondly specific points on certain of the consultation questions, then some specific comments on the wording of certain draft policies and, finally, comments on the Historic Environment Practice Guide.

2. General comments

2.1 The new approach to planning guidance in the historic environment is welcomed. Many people working in the sector will already be accustomed to the conservation management plan approach which relies on the principle of assessing significance of the heritage asset. Recognising that heritage assets have a range of differing values is an important step in the process of determining which elements of an asset can accept degrees of change and which cannot. The policy (HE10) that LPAs “should be guided by the principle that the more significant the heritage asset, the greater the presumption in favour of its conservation” is a valuable step forward in conservation.

2.2 The integrated approach to management of the historic environment is welcomed, but there are problems of merging the different legislative regimes into one guidance document. For instance all archaeology is protected, whether designated or not, but this is not the case with other heritage assets. That could lead to unintended consequences.

a) Assets that are not currently designated

2.3 The PPS is intended to include ‘heritage assets that are not currently designated or are not capable of designation under the current heritage protection legislation, but which have a level of interest which should be conserved, and, where appropriate, enhanced’ (Annex A

para 3). This potentially brings the whole built and cultural environment within the ambit of the PPS. While this might be justifiable in terms of undiscovered archaeology, it is not defensible in the case of buildings and sites which are not designated. If other assets are considered worthy of protection, then they should be designated, thus giving certainty to the owner and/or occupier.

2.4 This principle gains a further dimension in HE10.4, where it is proposed that individually undesignated heritage assets which contribute to the significance of World Heritage Sites or conservation areas, 'should be considered as designates assets in themselves'. Presumably the value of such assets is in their external appearance, and the appropriate strategy is to rely on conservation area protections, beefed up by removing Shimizu partial demolition rights. The proposal as it stands does not give certainty to property owners.

b) Significance

2.5 The document refers to 'descriptions of significance' (PPS HE8.1, Practice Guide para 34) and 'assessments of significance' (PPS HE9.1, Practice Guide para 36). These appear to be one and the same thing, but 'assessment of significance' is preferred as it implies a critical and analytical exercise rather than simple narrative description.

2.6 The PPS proposes that removal of significance is acceptable in order to return an asset to its original use (HE9.8(i)). While it is generally accepted that the original use is the most suitable for a historic building, this is based on the premise that doing so will retain its significance. This premise behind this guidance seems to be flawed in assuming that the 'gold standard' should be the original use at almost all costs. Each case will need to be judged on its merits.

2.7 A fundamental objective of the draft PPS is that planning decisions relating to the historic environment should be made in the light of an understanding of the significance of heritage assets (buildings, areas, sites) and an appreciation of the effect of the proposals on that significance.¹ Therefore if a building material can be said to contribute to the significance of a heritage asset then changes to this material would become an important consideration when determining applications. Thus the provenance of original materials used to construct historic buildings contributes to the significance of heritage assets (principally listed buildings).

2.8 Three types of significance are identified in the draft PPS: architectural and artistic, archaeological, and historic.² The most likely categories of significance to which materials might contribute are:

- i) Archaeological interest

2.9 An interest in carrying out an expert investigation at some point in the future into the evidence a place may hold of past human activity. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. These remains are part of a record of the past that begins with traces of early humans and continues to be created and destroyed.

- ii) Architectural and artistic interest

2.10 These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the place has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.

¹ The wording of the Planning Act will not change and will still refer to character but it is unclear how this will be resolved in the absence of the Heritage Bill

² Strangely, these are different to the four types of 'value' recently expounded by English Heritage in their Principles, Policies and Guidance document.

2.11 However, neither of these definitions are particularly helpful. Greater clarification is desirable. For example, architectural interest could be expanded e.g. “interests in the design, construction (or materials) and general aesthetics of a place.” The English Heritage Draft Guide is more helpful. Paragraph 75 states:

“Repairing and re-using materials to match the originals is strongly encouraged; it helps maintain authenticity, it ensures the repair is technically and visually compatible; it minimises the use of new resources and reduces waste. Original materials normally only need be removed when they are beyond repair and are incapable of re-use.”³

and Paragraph 89 states:

“Replacement of one material by another, for example on roofs, is likely to result in a loss of significance and will in those cases need strong justification. This includes changes from one type of thatch, slate or tile to another. For thatch, for example, preserving the covering on multi-layered roofs, particularly where the bottom layer is smoke blackened, is likely to be necessary in order to maintain the historic and archaeological significance of the building. The new top-coat may be repaired in a type and form of thatch traditional to the region with local ways of detailing eaves, ridges and verges being followed”.

2.12 The main concern is that, if the PPS doesn't direct local authorities to have regard to authenticity of materials when making decisions, the EH Guide will be open to challenge. Greater clarification in the PPS of the role of materials in contributing to significance of heritage assets is desirable.

c) Skills

2.13 The PPS relies on local planning authorities have high-level skills available (either internally or externally) to assess significance of historic assets (HE9.1), and to advise on climate change mitigation (HE9.5). These imply training and resource implications for local authorities which do not appear to be costed in the impact assessment. Conservation officer posts are being reduced across the country so local authorities have a lower level of professional expertise in the historic environment, while – conversely – the draft PPS is requiring higher level skills. Similarly, the impact assessment does not appear to take account of training and “upskilling” local authority planning and conservation staff (p29 and 31). The benefits achieved are based largely on transferring costs from LPAs to applicants, and thereby placing further burden on the ownership of heritage assets. (p30)

d) Sustainability

2.14 According to the introduction to the draft PPS one of the main government objectives of the PPS is to apply the principles of sustainable development to the historic environment. Paragraph 5 starts:

“The Government’s objectives for planning for the historic environment are: to apply the principles of sustainable development to proposals involving the historic environment, by ensuring that policies and decisions concerning the development and use of land take account of the positive benefits of conserving and, where appropriate, enhancing heritage assets (such as encouraging sustainable tourism to support economic growth or re-using existing heritage assets for example as part of regeneration)”

2.14 Throughout the document there are several references to the desirability of reducing the impact of historic buildings on climate change, in particular Policy HE4. This is laudable it refers only to performance in use (energy consumption) of buildings and does not make any reference to the much lower embodied energy in a building that would arise by using indigenous materials, rather than foreign imports, for repair. It would be interesting to compare the carbon footprint of say, South American slate with the carbon cost of an un-insulated flagstone floor or single glazed casement windows for example (but it seems likely

³ The wording of this guidance is a bit odd. Presumably what is meant is ‘repairing buildings by re-using materials or by using materials to match the originals’.

that, at present, no-one has the objective data to enable such calculations to be made). Furthermore, there is nothing in the EH Guide to provide guidance on the importance of embodied energy. Therefore it is suggested that Policy HE4 should have an additional paragraph referring to the use of traditional indigenous materials and the role that this can play in reducing carbon production. Also, it would be appropriate to recognise that refurbishment and modernisation of existing buildings might contribute more to sustainability than new building.

e) Economic development

2.15 Another objective of the PPS is, in accordance with the wider aims of CLG, to support economic development. References to the value of heritage assets in encouraging economic development appear to relate only to tourism and regeneration. However it is possible that production of indigenous materials and the development of craft skills in the use of traditional materials and techniques could also contribute to the economic well being of an area. This should be referred to.

f) Cross reference to other planning policy

2.16 Since it is important that appropriate building and roofing stone, and roofing slate is used for repair, restoration and new building that is compatible with traditional styles, there should be references in PPS15 to the need for LPAs to consult Minerals Planning Authorities on appropriate materials, where these authorities are different, and to the building stone annex of Minerals Policy Statement 1.

3) Consultation questions

3.1 This response addresses consultation questions that are of specific interest to the Forum. It is appreciated that the focus needs to be on concise policy. Therefore small changes to wording are suggested wherever possible.

3.2 Question 1: “Does the PPS strike the right balance between advocating the conservation of what is important and enabling change?”

The PPS makes a welcome move to a more integrated and considered approach to change in the historic environment, but it will depend greatly in practice on how it is implemented in individual local authorities. That in turn will depend on local authority officers have the appropriate higher-level skills which will be required to analyse assessments of significance.

However the policy of bringing undesignated assets within the ambit of the PPS could potentially trap many proposals within PPS 15, given the wide definition of the historic environment as ‘anything in our environment resulting from past human activity’ (Practice Guide, para 6). This creates a lack of certainty and a potential additional and unnecessary burden to applicants.

Arguably this extended definition of heritage attempts to achieve by policy statement something that can only be done by primary legislation. Regarding undesignated buildings which are significant to conservation areas as being listed for the purposes of development control is a case in point (HE 10.4).

3.3 Question 2: “By adopting a single spectrum approach to historic assets, does the PPS take proper account of any differences between types of asset (e.g. are archaeological assets adequately covered)?”

This approach is based on the principles in the draft Heritage Protection Bill of a unified designation and consents regime. However the current separate legislation for listed buildings and scheduled monuments/archaeology still remains on the statute book. In terms of the guidance, the approach by way of assessing significance should be adequate.

3.4 Question 3: “In doing so, does the PPS take appropriate account of the implications of the European Landscape Convention, and of the cultural dimensions of landscapes designated as National Parks and Areas of Outstanding Natural Beauty?”

3.5 Question 4: “Are the policies and principles set out in the PPS the key ones that underpin planning policy on the historic environment, or should others be included?”

No mention is made of the places of worship, and related policy. Paragraph 8.12 of the current PPG 15 contains useful guidance on assessing proposals for changes in ecclesiastical buildings which are in use. They are not replicated in the draft PPS nor the Practice Guide

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

Yes. However its definition in terms of the values of which it comprises vary in the draft PPS and the Practice Guidance It uses the same values as the draft Heritage Protection Bill by defining significance in terms of historic, archaeological, architectural or artistic interest (Part 1 Introduction para 1,9, p6). However this is not consistent as further values (associative and commemorative are mentioned in the supplementary draft Practice Guide (para 35), and the values referred to in the EH Conservation Principles: Policy and Guidance (2008), which are evidential, historical, aesthetic and communal. Good conservation plans should cover a much wider range of values, but the PPS and the Practice Guide need to be consistent in their terminology to avoid confusion. This is necessary for those who are occasional users of the system, be they lay or professional.

3.7 Question 7: “Does the PPS strike the right balance between the objectives of conserving what is significant in the historic environment and mitigating the effects of climate change?”

Yes, as the historic environment must play its part in reducing carbon emissions. But English Heritage needs to publish as a matter of priority the draft suite of guidance on energy efficiency in historic buildings to supplement the policy with practical advice. The PPS assumes that local authority officers have the skills and knowledge to be able to advise owners of historic buildings on climate changes issues. They will need either to improve in-house skills – perhaps by sharing resources across authority areas – or bring in external consultants to advise them

However there is no recognition of the very positive contribution the historic environment already makes to mitigating the effects of climate change and also to sustainability. There is no reference to the embodied energy which is saved by re-using the existing building fabric, nor to the fact that much of the historic environment forms the cores of our urban areas, with the major benefits of mixed uses which reduces transport needs as home, work and other amenities are either close at hand or well served by public transport.

3.8 Question 9: “The draft PPS highlights the importance of ensuring that adequate information and evidence bases are available, so that the historic environment and the significance of heritage assets are fully taken into account in plan-making and decision-taking. At the same time we are concerned to ensure that information requirements are proportionate and do not cause unnecessary delays. Are you content we have the balance right? If not how would you like to see our policy adjusted? (Policies HE8 and HE9 are particularly relevant to this question.)”

More detailed guidance on the levels of information and evidence needed for different types and grades of heritage asset would be useful to ensure that a proportionate response is achieved.

3.9 Question 10: “In your opinion is the PPS a document that will remain relevant for at least the next 20 years? Do you see other developments on the horizon that have implications for the policies set out in the PPS?”

20 years is a long timescale within which to make predictions. Significance and value are relatively recent tools in the heritage sector and they can be expected to develop and change within that period, and also as a better understanding of the implications of climate change become better understood. However periodical reviews of the effectiveness of guidance should flag up the need for change in due course.

3.10 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?”

The impact assessment does not take account of the training and resources needed for provide the skills of assessing significance and advising on climate change to local authority officers, or for the costs of external consultants to do this. There will be impacts of a similar nature for owners of heritage assets and their professional advisers.

3.11 Question 12: “Do you think that the policy draft PPS will have a differential impact, either positive or negative, on people, because of their gender, race or disability? If so how in your view should we respond? We particularly welcome the views of organisations and individuals with specific expertise in these areas.”

No.

4. Other specific points on wording and content:

- HE2.3 lists matters that should be taken into account by planning authorities but fails to include the words “education and research” which are also important.
- HE3.2 recognises the need to inspire new buildings that harmonise with their setting. It would be appropriate to mention also the incorporation of traditional and local materials where practicable and appropriate to help retain a “sense of place”. Alternatively the reference might be placed in HE9.6.
- HE7.2 rightly requires LPAs to require developers to undertake desk and field evaluations but should also emphasise that such investigations should be undertaken by competent persons (i.e. with appropriate qualifications and relevant practical experience). There is a parallel here with site investigation practices for construction as detailed in existing Planning Policy Guidance for development on potentially unstable land.
- HE8.1 assessment of the assets should include assessment of the materials such as building and roofing stone that may need to be secured for repair or conservation.
- HE9.3 the consideration of significance of the asset should include cultural significance – this will become increasingly important as time passes in a diverse society.
- Annex 1 Terminology should this also define “restoration” and “repair”?

5. Comments on the Historic Environment Practice Guide (living draft 24 July 2009)

5.1 The PPS is presaging a Heritage Protection Act on the same lines as the draft bill by defining significance in terms of historic, archaeological, architectural or artistic interest (Draft PPS Part 1 Introduction para 1,9, p6). However this is not consistent as further values (associative and commemorative) are mentioned in the draft Practice Guide (para 35), and the values referred to in the English Heritage *Conservation Principles: Policy and Guidance* (2008), which are evidential, historical, aesthetic and communal. Good conservation management plans cover a much wider range of values, but the PPS and the Practice Guide need to be consistent in their terminology, particularly for those users of the system who are

not conversant with the principles of significance and value, for whom this is likely to be confusing.

5.2 The issue of undesignated heritage assets coming within the ambit of the PPS and this guidance is referred to in para 7, under 'Understand the level of significance'. Comment has been made on the undesirability of this principle with reference to the draft PPS, as it introduces an unwarranted additional burden on owners, and lacks certainty. It also risks being applied inconsistently from local authority to local authority.

5.3 Policy HE7 proposed an investigative regime which relies overmuch on a damaging archaeological approach. In most cases, this will not be either appropriate or desirable (p29).

5.4 Heritage Partnership Agreements may be of value where a number of repeated works are conceivable, all of which will have a similar impact on the significance of the designated asset. Such cases are probably relatively small in number.

5.5 Loss of significance acceptable in returning to the original use is covered in PPS policy (HE9.8(i)), where it does not appear well expressed. The guidance in para 41 is much more appropriate.

5.6 Para 75 refers to the re-use of materials in the interests of matching the originals and maintaining authenticity. This advice needs to be tempered by the risks of encouraging a trade in second-hand materials which often leads to theft from buildings – stone slates is one example of this, where isolated farm buildings are at risk of overnight removal of roof slates.

5.7 The practice guide could usefully contain (a) a list of further reading; and (b) a list of useful contacts for advice.

5.8 The document requires further editing and proof-reading as there are typographical errors and missing words that have not been identified above.

Yours sincerely

Brian Marker

B R Marker
Chair English Stone Forum

Appendix A: English Stone Forum Terms of Reference and membership

Aims:

- a) To encourage greater public interest and awareness of the stone built heritage of England and the threat it faces.
- b) To promote research into all aspects relating to the English Stone Industry and to disseminate the findings publicly.
- c) To encourage greater interest and awareness within government, local authorities, and the business community of England's stone built heritage, and to encourage the use of indigenous stone as appropriate and for the public benefit.
- d) The encouragement and promotion of research into
 - the long term protection, repair and conservation of the stone built heritage
 - the use of stone in new building
 - innovation in the sourcing and use of building stone and
 - public dissemination of the results of such research.
- e) 4.1 To assist in promoting awareness of opportunities for the training of persons employed, to be employed, or associated with English Stone Industry and of the necessary skills and experience needed to construct, conserve, repair and maintain the stone built heritage.
- f) Addressing the question of availability of indigenous stone required for the maintenance of the built heritage and for their use in new build projects.
- g) The identification of trends and factors which could have a detrimental effect on the stone built heritage and seek to address these difficulties.
- h) Actively encourage the economic use of English stone.
- i) To actively lobby Government etc for the use and benefits of using indigenous stones.

Membership

The English Stone Forum consists of representatives of 11 organisations:

British Geological Survey,
Building Research Establishment,
Council for the Care of Churches
English Heritage,
Geological Society Geoconservation Commission,
Institute of Historic Building Conservation,
National Stone Centre,
Natural Stone Industry Training Group,
Royal Institute of British Architects,
Royal Institution of Chartered Surveyors Building Conservation Forum,
Stone Federation of Great Britain,
Stone Roofing Association.