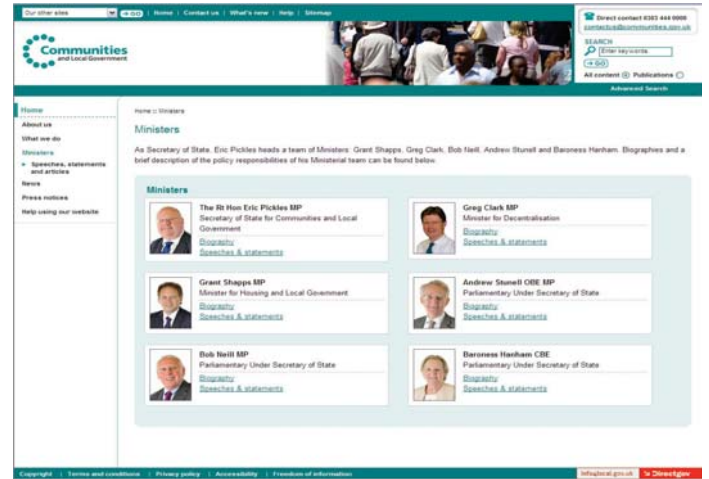


The Planning System – Changes Ahead/PPS 5 Overview

17 June 2010

Mark Challis
Planning and Public Law Group



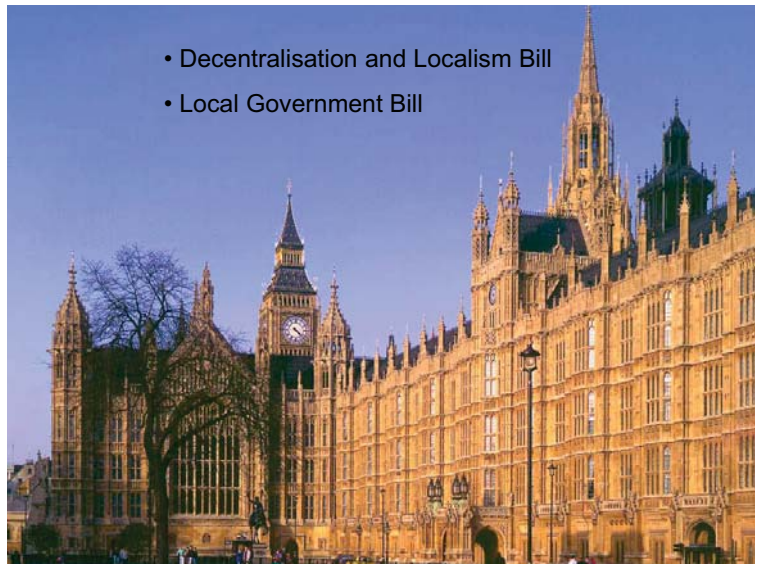
OPEN SOURCE PLANNING GREEN PAPER



- Open Source Planning
- Coalition Agreement



- Decentralisation and Localism Bill
- Local Government Bill



Demise of Regional Planning

- Regional planning authorities abolished
- Regional spatial strategies abolished
- Regional development agencies abolished ?
- Regional Government Offices abolished ?

In London

- Greater London Authority/Mayor remains
- GOL abolished
- LDA to be dismantled



Future Planning Structure

- **National:** National Framework for Development
- **Regional:** None
- **Sub Regional:** None (but sub regional arrangements)
- **County:** Infrastructure Plans
- **Local:** Return to old style local plans?

National Planning Framework

- Economic, environmental and social priorities
- Infrastructure policy statements incorporated
- Approved by both Houses of Parliament
- PPGs and PPSs reviewed - some will go



Development Control

- Flexible Zoning
- Presumption in Favour of Sustainable Development
- House Building Incentives
- Neighbour Approval



Appeals Process

- New third party rights of appeal
- Limited grounds only



Garden grabbing/residential density

- New PPS3 - June 2010



On Heritage

- (almost) nothing..

PPS5 and Heritage Reform

- No sign of the Heritage Protection Bill
- PPS5 and associated documents issued by previous Government
- Early review?



PPS5: General Points

- Much improved over draft version
- Quite short, but to be read with associated documents
- A more fluid approach than PPG 15
- Maintains the same level of protection as PPG 15/16 ?

PPS5 - Main Themes

- Emphasis on "significance"
- More pre application work/discussion called for
- Encompasses both designated and non-designated heritage assets
- Single spectrum approach

Listed Buildings and Conservation Areas

- Are "designated heritage assets"
- Presumption in favour of *conservation* (HE 9.1)
- Statutory *preservation* test in s66 P(LBCA) A 1990 remains for listed buildings
- Statutory *preservation or enhancement* test in s72 P(LBCA) A 1990 remains for conservation areas

Listed Buildings - Substantial Harm or Loss

- For Grade II buildings, this should be "exceptional"
- For Grade I and Grade II* buildings, this should be "wholly exceptional"
- Policy HE 9.1



Substantial Harm (or Loss)

- If **substantial** harm to or loss of significance, permission should be refused unless
 - the harm/loss is necessary to deliver substantial public benefits that outweigh the harm/loss; OR
 - no reasonable/viable use can be found (after market testing) and the harm/loss is outweighed by benefit
- Echoes of 3.19 of PPG15
- Policy HE 9.2
- Setting – Policy HE .10



Less than Substantial Harm

- If less than substantial harm:
 - balancing act: LPA should weigh public benefit against harm to significance
 - the greater the harm the greater the justification needed
- Policy HE 9.4

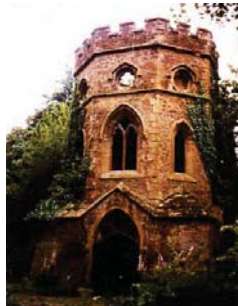
Conservation Areas /World Heritage Sites

- If element makes no positive contribution to CA/WHS, LPA should consider the desirability of enhancing or better revealing the significance of the CA/WHS



Other Kinds of Heritage Asset

- World Heritage Sites
- Scheduled Monuments
- Parks, Gardens and Battlefields
- Protected Wrecks
- Undesignated Heritage Assets



Historic Towns Forum

17 June 2010

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