

**Portsmouth City Council's Response to the
Inspectors' questions for
Matter 13
Heritage and Design policies**



Matter 13: Design and Heritage policies

Issue: Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to design Policy PLP1 and historic environment policies in Chapter 11 of the Plan.

This issue includes detailed consideration of policies PLP53 to PLP56 and PLP1, excluding tall buildings, which are to be addressed in Matter 6.

PLP53: Historic environment

1) How has the Portsmouth Heritage Strategy [HE02] informed the preparation of Policy PLP53 and other relevant policies in the Plan?

13.1.1 The Council did not use the Portsmouth Heritage Strategy [HE02] to inform the preparation of the policy. The Strategy is a high level document whose focus goes beyond heritage in the built environment. It provides a definition of heritage, and an outline of the City's historical development. It also considers the environmental, social and economic benefits alongside the threats, challenges and opportunities that heritage presents for the City. Its focus extends beyond an interest in Listed Buildings, Conservation Areas and Local Listing to include the Historic Environment Record (HER), and the City's wider cultural heritage of its Museum Collections, the Local History Centre and The Portsmouth Papers (the City's programme of academic monographs on its history). The strategy sets out a vision - "A city where heritage is understood, celebrated and integral to our life and success" - with supporting aims. Its key feature is the articulation of a heritage formula. The formula, which relies on three key weighted criteria, provides a mechanism which can be applied to determine the prioritisation of support for heritage projects in the city.

13.1.2 Whilst the paper considers to some degree the Council's role in respect of the historic built environment the strategy's purpose was not to inform the preparation of Policy PLP53 or other heritage policies in the Plan. Rather it contributes to a positive strategy for heritage by detailing how the Council will prioritise its resources and efforts in those scenarios where action in respect of heritage assets is being considered.

2) Does the policy accord with relevant statutory duties regarding the historic environment and is it consistent with national policy? How do any parts that repeat the Framework serve a clear purpose and does the potential for discrepancies impact on the effectiveness of the policy? For example, is the reference to Unidentified Heritage Assets in the glossary to the Plan consistent with national policy? What is the intended policy application in this regard, and will it be effective?

13.2.1 Yes, Policy PLP53 accords with relevant statutory duties in respect of the historic environment. This includes the duties at sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 [PCC32]. These require special consideration to be given to preserving architectural and historic interest, and the character/ appearance of listed buildings and conservation areas respectively. It is also consistent with national policy, in particular paragraphs 212-221 of the Framework on considering potential impacts.

13.2.2 Repetition of the wording of the Framework corresponds with paragraphs 213 - 215 of the Framework and is focussed on criterion 2 of Policy PLP53. The Council does not consider that the any repetition of wording within the framework would generate the potential for discrepancies that impact the effectiveness of the policy. The purpose of the policy is to ensure that where appropriate the approach set out in national policy is captured in the development plan.

13.2.3 The Council proposes to delete the reference to the Unidentified Heritage Assets from the Glossary.

3) **Is the policy otherwise positively prepared, justified, effective and consistent with national policy?**

13.3.1 Yes, for the reasons outlined above, the policy is considered to be positively prepared, justified, effective and consistent with national policy. Historic England considers the policy to be sound, as evidenced in the SoCG with the Council [SCG20].

PLP54: Listed Buildings

4) **Does the policy accord with relevant statutory duties regarding the historic environment and is it consistent with national policy? How do any parts that repeat the Framework serve a clear purpose and does the potential for discrepancies impact on the effectiveness of the policy? For example, is paragraph 2 consistent with national policy insofar as it would refuse planning permission for all proposals that would cause substantial harm to a listed building or its setting?**

13.4.1 Yes, the principal legal duty relating to this policy is found in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 [PCC32]. This requires that "the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The wording of the policy accords with this statutory duty. It is also consistent with national policy, in particular the section in Chapter 16 of the Framework on Considering Potential Impacts at paragraphs 212 - 215 [NAT01].

13.4.2 Repetition of the wording of the Framework corresponds with paragraphs 213 - 215 of the Framework and is focussed on criterion 2 of Policy PLP53. The Council does not consider that the any repetition of the framework would introduce inconsistency. The purpose of the policy is to ensure that the approach set out in national policy is captured in the development plan.

13.4.3 Criterion 2 of the policy requires that development proposals that cause substantial harm to a listed building will be refused, this is caveated with 'except in exceptional circumstances'. This approach corresponds with Paragraph 214 of the Framework, which states that: 'where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent. It also states that unless it can be demonstrated that ...substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss'.

5) **Is the policy otherwise positively prepared, justified, effective and consistent with national policy?**

13.5.1 Yes, for the reasons outlined above, the policy is considered to be positively prepared, justified, effective and consistent with national policy. Historic England considers the policy to be sound, as evidenced in the SoCG with the Council [SCG20].

PLP55: Conservation Areas

6) **Does the policy accord with relevant statutory duties regarding the historic environment and is it consistent with national policy? How do any parts that repeat the Framework serve a clear purpose and does the potential for discrepancies impact on the effectiveness of the policy? For example, is Part 2(b) seeking to prevent any adverse impacts on the townscape and roofscape in a conservation area consistent with the approach in the Framework of establishing substantial/less than substantial harm and applying an appropriate weighting exercise?**

- 13.6.1 Yes, the principal legal duty relating to this policy is found in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 [PCC32]. This requires that " special attention shall be paid to the desirability of preserving or enhancing the character or appearance ofa conservation area." The wording of the policy accords with this statutory duty. It is also consistent with national policy, in particular the section in Chapter 16 of the Framework on Considering Potential Impacts at paragraphs 212 - 215.
- 13.6.2 It is not considered that any parts of the Policy repeat the Framework. The Policy states that development in conservation areas will be permitted.....(at Part 2(b) - where there is no adverse impact on the townscape and roofscape of the conservation area. It does not state that development must avoid any harmful impacts or that proposals will be refused if an adverse impact is identified. The wording of the Policy has been positively framed. This approach is not intended to and does not preclude or show inconsistency with the application of the approach in the Framework of establishing substantial/less than substantial harm and applying an appropriate weighting exercise at the decision making stage.
- 7) **Is the policy otherwise positively prepared, justified, effective and consistent with national policy?**
- 13.7.1 Yes, for the reasons outlined above, the policy is considered to be positively prepared, justified, effective and consistent with national policy. Historic England considers the policy to be sound, as evidenced in the SoCG with the Council [SCG20].

PLP56: Archaeology

- 8) **Does the policy accord with relevant statutory duties regarding the historic environment and is it consistent with national policy? How do any parts that repeat the Framework serve a clear purpose and does the potential for discrepancies impact on the effectiveness of the policy? For example, is part 1 seeking to permit proposals that do not cause harm consistent with the approach in the Framework of establishing substantial/less than substantial harm and applying an appropriate weighing exercise?**
- 13.8.1 Yes, the policy accords with relevant statutory duties regarding the historic environment and is consistent with national policy. It requires developers to have due regard to both designated and undesignated archaeological heritage assets when formulating their proposals. The Policy also sets out a broad framework which both informs potential applicants of their obligations, and details specific constraints or proportionate management that may be necessary on certain classes of site, for example, Scheduled Monuments.
- 13.8.2 The Policy's supporting information also details processes that may be required in order to progress applications satisfactorily, without seeking to create a prescriptive or restrictive development landscape.
- 13.8.3 It is not considered that any parts of the Policy repeat the Framework.
- 13.8.4 The policy states that development proposals will be permitted.....(at Part 2(b) - where they do not cause harm to archaeological assets or their setting. It does not state that development must avoid harm to archaeological assets, or that proposals will be refused if any harm to them is identified. The wording of the policy has been positively framed. This approach is not intended to, and does not preclude or show inconsistency with the application of the approach in the Framework of establishing substantial/less than substantial harm and applying an appropriate weighting exercise at the decision making stage.
- 9) **Is the policy otherwise positively prepared, justified, effective and consistent with national policy?**

- 13.9.1 Yes, for the reasons outlined above, the policy is considered to be positively prepared, justified, effective and consistent with national policy. Historic England considers the policy to be sound, as evidenced in the SoCG with the Council [SCG20].

PLP1: Design

10) Are the requirements of other policies in the Plan accurately reflected in the detailed wording of Policy PLP1?

- 13.10.1 Yes the requirements of other policies in the Plan are accurately reflected in the detailed wording of Policy PLP1. It is a comprehensive policy which addresses and/ or seeks positive outcomes in respect of an extensive range of considerations including: the city's design vision, design and placemaking characteristics - across 10 different themes, separate design coding/ guidance, overcoming crime and disorder, amenity impacts and tall buildings.

- 13.10.2 In addition to PLP1 the plan consists of 55 other separate policies. Where these other policies engage with design matters it is to encourage high quality design and/ or articulate requirements around submission details that support the objectives of PLP1 - consideration of the design merits and impacts of proposals. As such, where relevant the detailed wording of PLP 1 reflects these requirements.

11) Is the policy consistent with national policy and will it be effective in respect of its management of the historic environment?

- 13.11.1 Yes, the policy is consistent with national policy, in particular chapter 12 paragraphs 131-141 of the NPPF relating to design.

PLP 1's direct engagement with conservation and heritage is limited to policy 2 (a) iii which states:

"development proposals will be permitted where the following key design and place-making characteristics and components have been demonstrated...Context: understanding and relating positively to the site and its local and wider context, including the: iii. Existing buildings or townscapes of heritage value..."

- 13.11.2 Beyond this, broader design considerations which the policy addresses, in particular its 10 different design and placemaking characteristics, are also likely to be of relevance when considering the merits and impacts of development proposals affecting heritage assets and as such will contribute to the plan's effectiveness in managing the historic environment.

- 13.11.3 Beyond this, PLP1 is not the policy through which the plan seeks to directly manage the historic environment. This policy area is managed through a comprehensive range of separate heritage specific policies at PLP 53 Historic Environment, 54 Listed Buildings, 55 Conservation areas, and 56 Archaeology. These policies ensure that development proposals, irrespective of their scale or location, which affect any classes of heritage asset (whether designated or undesignated) will be determined with regard to their significance, and that any impacts (harms) on affected assets (including to their setting) will also be considered in accordance with the requirements of the NPPF.

12) Is it sufficiently clear when Part 3 of the policy is applicable and where an applicant is expected to produce a design code for a site?

- 13.12.1 The policy is not intended to, and does not indicate where an applicant would be expected to produce a design code for a site. The Council's answer to Matter 7 question 4 refers to the limited number of sites, all of which are significant allocations or areas of change, where the

provision of a Design Code is an upfront requirement of the plan: Tipner West PLP3, Tipner East PLP4, Lakeside North Harbour PLP5, Portsmouth City Centre PLP6, and Port Solent PLP 11.

13) **Is the policy otherwise positively prepared, justified, effective and consistent with national policy?**

13.13.1 Yes, for the reasons outlined above, the policy is considered to be positively prepared, justified, effective and consistent with national policy.