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Dear Cllr Walsh

Planning Policy and Decisions – Climate-Related Changes to Heritage Assets

Dorset Council's declaration of a climate and ecological emergency has been welcomed by Bridport Town Council, which has itself made a similar declaration and has published an accompanying [action plan](#). This includes a commitment to a 'climate first' planning policy. A key concern in this regard is the approach to enabling energy reduction measures (most notably double glazing and solar panels) on listed buildings and other heritage assets. Town councillors are very concerned that planning applications requesting such changes are largely refused by the planning authority, on the basis of policy interpretations by the Conservation Officer. Members feel this approach needs wider discussion to ensure the maximum possible flexibility given the seriousness of the emergency.

From our recent experience, it appears that the justification for almost universal refusal of energy-saving measures on listed buildings centres on various aspects of planning legislation, most importantly:

- The National Planning Policy Framework (NPPF)
- The Local Plan
- The Planning (Listed Buildings in Conservation Areas) Act 1990

The latest revision of the NPPF appears to provide some support for measures that address climate change:

- "The planning system should support the transition to a low carbon future in a changing climate..." (para. 152)
- "Assets ... should be conserved in a manner appropriate to the significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations." (para. 189)
- "Where a development will lead to less than substantial harm of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." (para. 202)

The last point is of particular note. Both of our councils recognise that the climate crisis is of overriding public importance, and must be afforded a 'public benefit' weighting that

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acknowledges this. In relation to the second point, the term 'significance' is unlikely to be capable of being completely objectively defined. The Town Council requests clarification as follows:

- How does Dorset Council define the significance of a heritage asset?
- How does the Council determine the relative weight given to:
 - a) supporting the transition to a low carbon future? and
 - b) conserving a heritage asset?

On the Local Plan, we do understand that the emerging Local Plan is an opportunity to prioritise climate-related measures and we urge Dorset Council to grasp this opportunity for the benefit of current and future generations. The urgency of the climate crisis is such that we cannot afford to 'kick the can down the road'. Indeed, the urgency is such that it warrants looking again at current relevant policies to ensure that the interpretation is as flexible as possible in prioritising climate-friendly measures. In respect of heritage assets, policy ENV4 of the Weymouth & West Dorset Local Plan is case in point. The Town Council's contention is that this policy is open to wide interpretation and is currently being interpreted narrowly in favour of conservation over the climate emergency. We know that officers will disagree, but we consider the issue to be of sufficient importance to warrant robust challenge to that view. We respectfully request that the matter be considered at a formal meeting of Dorset Council.

Specific legislation such as the Planning (Listed Buildings in Conservation Areas) Act 1990 are of course also open to interpretation and we accept that the complexity of legislative wording means that for most, expert guidance is needed to enable them to understand it. The Town Council considers that Supplementary Planning Guidance and other 'user friendly' guides are needed for this purpose. We note, however, that there does not appear to be any such guidance in respect of heritage assets in West Dorset, except for one entitled Listed Buildings and Conservation Areas that seems to apply only to the former Weymouth & Portland District Council area, produced in 2002. We draw your attention to guidance produced by other planning authorities, for example "Energy Efficiency in Historic Buildings" (Brighton & Hove, <https://www.brighton-hove.gov.uk/content/planning/heritage/energy-efficiency-historic-buildings#>), and request that such guidance is developed in a form that is useful for both applicants and local councillors.

Allied to our concerns about interpretation of policy is the approach to delegation, which appears to be undermining the democratic input of ward members. Invariably applications for energy reduction measures on heritage assets are being determined under delegation by the Planning Officer in consultation with the Chair/Vice-Chair of the Planning Committee and we are now seeing examples of this where there are material representations by ward members and the Town Council. This appears to be in contravention of article ref 134 of the Dorset Council Constitution Officer Scheme of Delegation – or at very least contravenes the spirit of that article, which appears to provide for committee consideration in such circumstances. An example is in respect of planning application P/LBC/2021/00549 which the Town Council supported but the Planning Officer recommended for refusal. Two Dorset

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Council ward members requested that the application be considered by committee and this request was refused by the Planning Officer, in consultation with the Vice-Chair of the Planning Committee. The rationale appeared to be that the officer considered their professional interpretation of policy to be a matter of fact and not challengeable by committee members. Such a stance is, in the Town Council's view, wholly untenable and anti-democratic. Officers must be accountable for their decisions and open to public scrutiny on matters as important as climate change, and we call on Dorset Council to review immediately its Scheme of Delegation to ensure that such accountability is secured.

I shall be grateful for your comments on town councillors' concerns so that I can feed back to them. I should add that councillors have asked that we highlight our concerns to the local media; as a consequence the Town Council will shortly issue a press statement accompanied by a copy of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Will Austin', enclosed within a large, loopy oval shape.

**Will Austin
Town Clerk**

cc Matt Prosser, Chief Executive, Dorset Council
John Sellgren, Executive Director of Place, Dorset Council
Mike Garrity, Head of Planning, Dorset Council
Anna Lee, Service Manager for Development Management, Dorset Council
Dorset Council ward members for Bridport
Bridport Town Councillors