



Historic England

Levelling-up and Regeneration Bill: Reforms to National Planning Policy Historic England Consultation Response

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners, and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We welcome the opportunity to submit a response to the consultation on *Levelling-up and Regeneration Bill: Reforms to National Planning Policy*.

QUESTION 6: Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

QUESTION 7: What are your views on the implications these changes may have on plan-making and housing supply?

Planning for homes and other development is an important aspect of the planning system, and up-to-date plans are important tools in their delivery. Delivery of homes, etc. can contribute to both the economic and social objectives of planning, as set out in paragraph 8a-b of the current National Planning Policy Framework (NPPF, 2021). However, those objectives sit alongside the equally important environmental objective (8c) and 'need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)'. Therefore, planning for homes, etc., should continue to take into account the important environmental objective of the planning system including protection and enhancement of the natural, built, and historic environment.

The revised text (in paragraphs 1 and 7 of the current NPPF) includes that the delivery of plans/planning should provide for homes and other development 'in a sustainable manner'. Presumably this is intended to link the objective of providing for homes, etc., with the policies on achieving sustainable development (Chapter 2 of the NPPF): however, those linkages could be made more explicit. The need to take 'account of important areas, assets, or local characteristics that should be protected or respected' is significantly more clearly stated in the consultation document (Chapter 4, paragraph 1) than is proposed in the revisions to the NPPF text.

It is also important that the 'priority' of 'preparing and maintaining up-to-date plans' (consultation document paragraph 1) is not misconstrued as prioritising the objective of delivering housing, etc., over other planning objectives (outlined in paragraph 8 of the NPPF). This might be usefully addressed in the supporting Planning Practice

Guidance (PPG). It is important that the NPPF maintains a balanced approach to delivering legitimate planning objectives.

QUESTION 8: Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

QUESTION 9: Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

Yes, policy and guidance should be clearer on what constitutes exceptional circumstances for the use of an alternative approach for assessing local housing needs, as the NPPF and PPG are currently silent on this matter.

As one of the key objectives of the planning system, protection of the historic environment should be considered alongside those issues set out in paragraph 8 of the consultation document.

The historic environment should not, in and of itself, be automatically regarded as an inhibitor of housing delivery or economic growth: in many cases it acts as a catalyst for investment and regeneration and has the capacity to provide significant new housing (e.g. through re-use of vacant mills in the north). The historic environment is an important contributor to local character and distinctiveness, to placemaking and the quality of existing settlements. It should be an important consideration in how a formula-derived housing number is applied in a particular place.

Some existing historic areas are already developed to a high density (e.g. Bloomsbury, London or Park Hill in Sheffield) or have the capacity to accommodate higher densities of development, as demonstrated by our [research](#). However, there are some historic areas where increased density would be harmful to the area's historic character (for example, visually and in terms of experience), and/or the significance of heritage assets within it.

In some cases, there may be a tension between housing demand and other factors. Clear national and local planning policies have an important role in their resolution. This may be through identifying less-sensitive areas which might accommodate additional development (e.g. brownfield sites or vacant/under-utilised buildings), or through identifying areas where gentle densification might be appropriate.

Alongside other purposes, the Green Belt can have an important role in preserving the setting and special character of historic towns (NPPF, paragraph 138d) and to harm those special qualities when reviewing Green Belt would be counterproductive. Green Belt areas often contain surviving historic landscapes of interest, further contributing to the setting of historic settlements.

QUESTION 10: Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be

met by building at densities significantly out-of-character with the existing area?

There is, or should be, a significant amount of evidence about the character of existing historic areas and places which local authorities can draw on to evidence the character of areas and their capacity to accommodate further development. These include:

- Conservation area appraisals and management plans
- World Heritage Site Management Plans
- [Urban](#) and [historic landscape characterisation](#) studies

Where these are not available, or not up to date, local authorities should commission them to ensure an informed and proportionate evidence base. Other sources of information include:

- Tall building policies
- Views studies and analysis
- The [National Heritage List for England](#) and any locally specific setting studies
- Spatial strategies and design codes
- Complementary nature-based information, such as Green Infrastructure Frameworks

Information on the historic environment should be available within local authorities and/or accessible from local [Historic Environment Records](#) (HERs). HERs should also contain details of other designations, such as non-designated heritage assets, and other protected areas/assets (such as London Squares, protected open space, assets of community value, etc).

Clause 212 of the *Levelling Up and Regeneration Bill* (LURB) proposes to put HERs on a statutory footing. This will help ensure HERs are maintained to an adequate standard and are an effective evidence-base to underpin local plans and decision-making.

All of these information sources will require assessment and interpretation by appropriately skilled and experienced heritage, urban design, and planning specialists, to inform any local policies which rely on an understanding of existing urban character and densities.

QUESTION 11: Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

Historic England acknowledges the government’s aim to realise a more proportionate approach to Local Plan examinations. However this could be achieved through procedural changes to the examination process rather than significant policy revision, which changes the foundations upon which a Local Plan is found sound.

Simplification of the test of soundness can be achieved through revisions to the NPPF text while retaining all four tests – positively prepared, justified, effective and consistent with national policy – which form the foundation of a Local Plan being

found sound. Revisions to the NPPF and the associated PPG can ensure a proportionate approach is applied which demonstrates objectively assessed needs are met as far as possible. If the objective is to focus the evidence-base and the extent of justification needed around specific matters (e.g. housing need this could be dealt with in a more specific manner, such as in the PPG, rather than making substantial changes to plan-making which have far reaching implications.

The consequences of removing the 'justified' pillar of the Local Plan tests of soundness are:

- The need for Local Plans to be based on legitimate reasoning to achieve their vision and objectives is no longer subject to tests which set a high bar through their association with the test of soundness. The proposed changes would also remove the need to consider whether the Local Plan is an 'appropriate strategy' and potentially undermines the requirements of chapter 16.
- The link between the necessity of a proportionate evidence base and a sound Local Plan is broken resulting in a scaling back of scrutiny. NPPF (current paragraph 31) requires all policies to be underpinned by relevant and up to date evidence which is adequate and proportionate. However, the extent evidence supports and justifies Local Plan policies is weakened through the removal of the need for justification.
- If the 'justified' soundness test is no longer linked to preparation of a proportionate evidence base, this risks impacting on the quality and value of evidence and its use to inform plan-making and decision-taking.
- The current NPPF proposals to remove 'reasonable alternatives' from the 'justified' test appear at odds with the LURB (Clause 139, paragraph 5) which seeks to consider '(b) reasonable alternatives to the relevant plan or any element of it'. The assessment of reasonable alternatives is an important aspect of responding to the historic environment within Local Plan making. It can test and inform decisions that balance meeting development needs with avoiding or mitigating the risk of harm to the significance of the historic environment.

From a historic environment perspective, Historic England values the 'justified' test of soundness for the following reasons:

- It is used in consultations with local planning authorities (LPAs) to advocate the preparation of proportionate historic environment evidence to underpin and inform Local Plan strategy and policies.
- The test assists in considering whether the Local Plan is 'justified' from a historic environment perspective and making a case at examination which fairly represents the historic environment.
- A key aspect of plan-making is LPAs needing to demonstrate that their allocations represent an acceptable use of land. Proportionate evidence, including heritage impact assessments, is needed to demonstrate acceptability of proposals from a historic environment perspective. Linking such evidence to the test of soundness assists in discussions regarding the suitability of such allocations. Establishing such a position under the 'justified' test also assists the Inspector's understanding of how a plan can demonstrate its soundness at examination.

If the 'justified' test was to be removed from the tests of soundness, Historic England would welcome refinement of policy to strengthen the ability to fully integrate the historic environment within plan-making. The following policy revisions are suggested which are shown as underlined text:

'Positively Prepared: providing an appropriate strategy underpinned by proportionate evidence which seeks to meet development needs so far as possible and is consistent with policies in this Framework.'

The PPG could then further emphasise the need for the proportionate evidence to be used in a reasoned manner to support local plan policies.

QUESTION 13: Do you agree that we should make a change to the Framework on the application of the urban uplift?

QUESTION 14: What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

QUESTION 15: How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

The 20 largest town and cities may have areas within them that could be developed to a higher density than other settlements, however, there still needs to be a careful consideration of the capacity of those places to accommodate higher levels of development, which may result from the application of the urban uplift. Historic England's [research](#) shows how residential density can be increased in historic environments.

Different settlements will have different existing development patterns and may face different development pressures. Equally they may have differing amounts of brownfield, or underutilised, sites available to accommodate new development. It is important that those considerations are factored in when applying the urban uplift. Policies and guidance which encourage best use of land, including re-use of underutilised sites and existing buildings, without harm to local character would be of benefit.

Large urban areas may span multiple local authorities and it would make sense for development within those contiguous authorities to be considered in an integrated and holistic manner.

QUESTION 26: Should the definition of "affordable housing for rent" in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

We welcome the recognition of the role that almshouses, many of which are historic buildings, play in providing affordable accommodation for communities. However, almshouses are, by and large, charitable institutions/trusts which may have particular limitations based on matters such as their endowments, purposes, and the nature of their beneficiaries. Furthermore, we understand that whilst tenants may make a

contribution to the trust in charge of the almshouse, in many cases, they do not pay “rent”.

Any amended definition of “affordable housing for rent” must recognise the special status of charitable almshouses and Livery Company-run provision, such as The Charterhouse, who are often not “Registered Providers” of social housing. Any amendments should not, inadvertently, fetter their work through attempting to recognise the contribution they make within the planning system. Detailed comments should be sought from the [Almshouse Association](#) on this matter.

QUESTION 33: Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

We welcome the weight given to developing strategic policies that ensure placemaking and high-quality design are secured through development. The proposed text could be clarified at NPPF (revised paragraph 20) with an additional provision to require that placemaking is:

- Part of the plan-making process;
- Based on evidence and understanding of local places;
- Included within the Local Plan place-based vision;
- Informed by local consensus; and
- Deliverable to meet the Local Plan vision based on specified parameters or requirements.

We support the expectation that providing a 'beautiful environment' should be a function of planning and this should be secured through planning policies, although it may prove difficult to define ‘beauty’. The emphasis on beauty is only one measure of the quality of design. There are other factors which define character and quality such as the historic environment.

The achievement of beautiful development through placemaking can be guided by ‘designed’ or ‘fortuitous’ aesthetic value concepts that have been used in conservation management since the publication of [Conservation Principles](#) by Historic England (then English Heritage) in 2008. In this way the qualities of the historic environment may inform concepts around beauty. Development should protect these historic environment qualities and take inspiration from them.

To be effective, it is important the NPPF sets the objective for beauty within the parameters of placemaking and design. Details in the PPG can guide planners to consider what existing features of the environment should be considered to influence delivery of beautiful development. However it should also be remembered that concepts of beauty are not a static thing: for example, Victorian architecture is now cherished and often protected through designation, however it has not always been so, and much was lost when it was not considered ‘beautiful’ by previous generations.

Concepts of beauty and well-designed places should run through other topic areas. Some PDRs may undermine the concept of high-quality, well-designed places, and

undermine the ability of local planning authorities to management development through the plan-led system.

Policy parameters and guidance, around beauty, can be informed by current examples where heritage and beauty have shaped strategic and local policy outcomes. Oxford Local Plan policy DH2 conserves the city centre and 'dreaming spires' skyline. The policy is informed by evidence of defined views which were designed to be beautiful and views which are recognised for their beauty. At a neighbourhood scale, policy BE6 of the East Bergholt Neighbourhood Plan seeks to protect the landscapes painted by John Constable. The historic appreciation of a beautiful landscape continues to be recognised as a special quality of the village.

QUESTION 35: Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

We support measures to ensure that the agreed quality of materials and design is delivered post-consent. This may be by ensuring that planning conditions are suitably robust to give confidence that development is delivered in accordance with that permitted.

QUESTION 36: Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

We support the more efficient use of land, as envisaged by gentle densification, where it is in keeping with local character and does not cause harm to the historic environment.

However, we do not support specific reference to mansard roofs within the NPPF, which concerns itself with higher level policies and development principles. The policy proposal has a very narrow focus and an overly prescriptive manner that is out of step with the NPPF as a whole.

Setting aside the fact that mansard roofs have a particular form which is not suited to every building type, the direction that local authorities should allow individual mansard roofs where 'one or more of the terraced houses already has a mansard' will undermine a local authority's ability to manage development and the intention of the NPPF to promote 'beautiful' development. The policy will potentially allow for poorly designed and unconvincing mansard roofs, where there is not 'a tradition of mansard construction locally at the time of the building's construction.' There may be higher density urban areas where mansard roofs may be appropriate, but equally there are many areas and forms of development where mansards would not be appropriate.

If the policy objective is to encourage appropriate upwards extensions, then this should be included in the NPPF in more general terms, and with appropriate references to the need to consider impacts on the historic environment.

Any more detailed guidance to support general policies in the NPPF would be better included in the PPG. Even then the proposed wording around mansard roofs would seem to be beyond the level of detail currently contained in the PPG.

QUESTION 37: How do you think national policy on small scale nature interventions could be strengthened? For example in relation to the use of artificial grass by developers in new development?

National policy on small scale nature interventions should be integrated with, or cognizant of, policies to protect the historic environment, in order to deliver greater benefits and avoid unnecessary conflicts.

Policies should also recognise the contribution that existing small scale historic features and landscaping (from individual trees and remnant orchards to gardens and green spaces, and ponds and canals) makes towards climate change adaptation, addressing the biodiversity crisis, and retaining and enhancing local character. Policies should encourage retention and care of such features.

For example, retaining front gardens and hedges will both retain local character and contribute to sustainable urban drainage, filter pollution and create more space for nature and wildlife corridors. Similarly, policies could encourage the retention or reinstatement of boundaries such as hedges and dry-stone walls in both rural and urban contexts. Whilst there are currently some restrictions on paving for car parking spaces in front gardens it may be beneficial to review those, to increase their effectiveness.

The planning and design of small-scale interventions need to be appropriate to the nature of the area and its uses however even in formal areas there is likely to be scope for more planting (including plants for pollinators). Small scale nature interventions, particularly in the public realm, offer the opportunity to achieve multiple benefits: such as enhancing places, encouraging active travel and benefiting community and individual wellbeing.

Whilst small scale interventions are desirable (as addressed in our response to Question 40) more support is needed to ensure the retention of major green infrastructure features. Many of these are historic public parks, cemeteries, and other green and blue spaces which have a role in nature recovery and require better stewardship.

It should also be remembered that historic buildings can be important supporters of the natural environment and can be important habitats for insects, bats, birds, and plants. Repairs and changes to historic buildings need to be mindful of statutory duties with respect to protected species but also the opportunity to provide more habitat where possible, such as nesting boxes for birds. There are also building conservation applications such as soft capping that not only protect historic masonry but also create wall flora habitats

We are keen to work with DLUHC, Defra and Natural England to develop more guidance about small scale nature interventions in the historic environment to support planning policy.

QUESTION 38: Do you agree that this is the right approach to making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?

We recognise the desire to strike a balance between the use of farmland for food production alongside its potential use for renewable energy generation. There are, however, a limited number of instances where archaeological remains (which are often scheduled monuments) are beneath farmland, and it is important for their preservation that the land is managed appropriately, so as not to damage this irreplaceable resource.

The future of a number of scheduled monuments has been secured through shifting the scheduled area to less intensive forms of farming, often through government-supported management schemes. It is vital that the any policy changes do not inadvertently impact on initiatives such as the Department for Environment, Food and Rural Affairs' [Environment Land Management Schemes](#).

QUESTION 39: What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

Whole Life Carbon (WLC) assessments (including the carbon involved in demolition and redevelopment) should be incorporated into legislation and supporting policy and guidance, at both plan and decision-making stages. This should strengthen options for retaining existing buildings over demolition and encourage a proactive stance on WLC.

To facilitate this, transparent reporting is needed across the WLC cycle with improved availability of data and guidance, such as on benchmarks per square metre, per building type. To enable net zero, WLC should be made a common thread within the planning system and a consistent methodology should be adopted that is cognizant of developing sector approaches, such as the RICS' *Professional Statement on Whole Life Carbon Assessments* and the GLA's *Whole Life Carbon* guidance.

The potential for public realm and soft landscaping, within existing and new development, should also be factored into WLC considerations.

As currently framed, permitted development rights (PDRs) do not take into account WLC, and PDRs around demolition, as an example, potentially work against achieving net zero targets. If carbon impact assessments are incorporated into plan-making and planning decisions, a more comprehensive and in-depth review of PDRs will be needed.

The proposed new statutory duties relating to the preservation or enhancement of a wider range of designated heritage assets and their settings, will also necessitate a review of PDRs. We recommend that, in the short-term, there is a review of PDRs to ensure consistency in the protection of the historic environment across the different classes of PDR.

QUESTION 40: Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?

We are already in discussion with DLUHC, DCMS and other parts of government around the contribution that the historic environment makes towards sustainability, achieving net zero, and addressing climate change. We are keen to continue those discussions around how the planning framework generally, and the framework for managing change to the historic environment more specifically, can be re-framed to support climate change and net zero initiatives.

As noted in our response to question 39, some PDRs may inadvertently work against net zero targets and the objective of addressing climate change issues.

Whilst nature-based solutions will be an important contributor to supporting climate change adaptation (addressed below), 'heritage-based' solutions can play an equally important role. Promotion of solutions that focus on the adaptation of existing, historic buildings and places can deliver a triple win for climate adaptation, heritage protection, and nature. This needs to be supported by greater integration between heritage and nature-based management, particularly at the coast or at a landscape management scale. Better integration between natural capital and cultural and heritage capital approaches also provides opportunities to ensure co-benefits are maximised.

In terms of nature-based solutions, it is critical that the good stewardship and management costs of existing public green spaces (non-designated and designated), and features such as mature trees, are addressed if these green infrastructure assets are to work effectively to support climate change adaptation. Our historic public parks, cemeteries, urban commons and greens are the major assets in green infrastructure networks, yet the focus is too often on creating new features and sometimes the net climate change adaptation benefits and sustainability can sometimes be questionable.

There should be no net loss of publicly accessible green spaces, many of which are of historic interest and the gift of past communities for the benefit of future generations. Easy access to green space is about equity to the outdoors for wellbeing and recreation of all. For example, the creation of new sky gardens should not be at the expense of street level green spaces.

The planning system also needs to ensure the long-term maintenance of new green infrastructure such as living walls and street planting. Dead plants and trees offer no climate change adaptation benefits and undermine the experience and enjoyment of places and the setting of historic features. Good design, planning, establishment and maintenance are essential.

New climate change adaptation measures such as street planting schemes and sustainable urban drainage should be designed to enhance the historic environment and experience for users. Design needs to be informed and inspired by the history of the place. The character of many streets could be restored by the reinstatement of lost features such as front gardens and hedges, and street trees.

Green Infrastructure strategies should explicitly explore the historic landscape and the role of green spaces and water over time to inform nature recovery and climate adaptation planning. The Green Infrastructure Framework standards are currently voluntary. Adoption as policy would help advance climate change adaptation in our

towns and cities. At the very least the NPPF should cross reference the [Green Infrastructure Framework](#) (Natural England).

The role of blue infrastructure in addressing climate change must also be considered alongside green infrastructure and small-scale nature interventions.

QUESTION 41: Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

QUESTION 42: Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

The policy objective of encouraging repowering, maintenance and extending the life of existing renewable sites (where impacts are or can be made acceptable) is understandable.

However, we do not support the proposed amended text in paragraph 158 (renumbered as 160) that such proposals ‘should be considered for the purposes of this policy from the baseline existing on the site’. The acceptability of existing installations will have been assessed taking into account their impacts balanced against their benefits and, in some cases, factoring in their lifespan. Repowering existing sites might result in even greater impacts than the original permission (replacing existing wind turbines with significantly larger wind turbines, for example) and disregarding those original impacts would not allow a fair assessment of the impacts of the repowered site. Put simply, setting aside the impact of the existing installation would effectively allow a ‘ratcheting up’ of harm whenever it is proposed to repower a site. Additionally, there is the possibility of repeated and regular applications to repower sites within the lifespan of the existing installation: i.e. it cannot be assumed that repowering would only be proposed when an installation has reached the end of its life.

It would be beneficial to clarify what types and scale of renewable and low carbon development paragraph 158 applies to.

QUESTION 43: Do you agree with the changes proposed to footnote 54 [now 63] of the existing National Planning Policy Framework?

Do you have any views on specific wording for new footnote 62?

We support a plan-led system for identifying possible locations for onshore wind turbines but recognise that it may be difficult for local plans, etc., to respond in a dynamic way to the changing technologies and sizes of wind turbines.

However, we do not support the first proposed amendment to footnote 54 (now 63 in the NPPF consultation draft), given the absence of certainty around the adoption of supplementary planning documents (or their equivalent) in the new planning system. It is not clear whether supplementary planning documents will be subject to the same scrutiny or assessment as local plans (i.e. strategic environmental assessment, sustainability appraisal, and/or environmental impact assessment (EIA)). Nor is it clear how consideration of historic environment impacts will be factored into the replacement of those assessment regimes with Environmental Outcome Reports. Until there is greater certainty on those matters, we do not support the proposed amendments to footnote 54.

We have similar concerns with proposed footnote 62. The process for assessing (historic) environment impacts in Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders is less well defined than other routes to planning permission: so there is, therefore, concern that wind energy development using these routes to permission would not be subject to equivalent assessment of environmental impacts (as planning applications). As above, it is not clear how consideration of historic environment impacts will be factored into the replacement of those assessment regimes with Environmental Outcome Reports.

Whilst recognising the policy objective of encouraging renewable energy installation in places where there is community support, we are concerned that both footnote 62 and 63 (previously 54) appear to suggest that community support is the primary, or over-riding, consideration when dealing with applications for wind energy development. Any policy amendments must make it clear that normal assessment of impacts (e.g. on the historic environment) remain in place.

Neither policy proposal/amendment is clear on the scale of wind energy development to which it applies. Is it to domestic (micro-generation) installations, commercial wind turbines, and/or commercial windfarms?

The final bullet point of paragraph 8 of the consultation document (immediately preceding question 43) makes reference to the possibility (subject to consultation) of local partnerships with supportive communities who would wish to host onshore wind development in exchange for community benefits such as discounted energy bills. We recognise the importance of de-carbonising energy generation, and addressing energy security and rising fuel bills, however, it is also important to maintain existing considerations of environmental matters, especially if there is a financial incentive for communities to host onshore wind developments.

QUESTION 44: Do you agree with our proposed new Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

We welcome the inclusion of policies in the NPPF that provide greater clarity on the application of the high-level policies on climate change (in Chapter 14) at a building level. We also support the inclusion of this policy in Chapter 14, in that it applies to all existing buildings, rather than just historic or listed buildings.

We welcome the inclusion of the cross-reference, from paragraph 161 to Chapter 16 (Conserving and enhancing the historic environment) and the need to take account of those policies.

However, there are two points that may require further clarification or thought:

1. Presumably, the 'significant weight' (in paragraph 161) sits below the 'great weight' to be given to the conservation of designated heritage assets (Chapter 16, paragraph 202)? Accepting that paragraph 202 allows for different levels of 'great weight' ('the more important the asset, the greater the weight should be'), it may be useful to clarify this point in the NPPF or PPG.
2. We would also query the use of the phrase 'take into account'. Although this phrase is used elsewhere in the NPPF, is this term sufficiently well

understood to mean that the policies referred to need to be applied in full, rather than just something to be mindful of?

We recognise that the proposed paragraph 161 is an initial measure whilst potentially more comprehensive changes to the NPPF/NDMPs are considered. In that context we believe that the policy could go further, in terms of strengthening policies around the retention and retrofit of existing buildings, and factoring in WLC assessments (including demolition and rebuild) into planning decisions. We welcome the exploration of those topics in the current consultation. We recognise that this is a developing area of policy which is likely to be expanded on in subsequent iterations of the NPPF (and/or the NPPF, NDMPs and PPG) and look forward to discussing that further evolution with DLUHC.

QUESTION 48: Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

Transitional arrangements for supplementary planning documents need to take into account the possibility that new-style supplementary plans may not be in place when a new style local plan comes into force. In that scenario, will relevant existing supplementary planning documents remain in place? And will they have equivalent weight as development plan documents, as envisaged in the reformed planning system, even if they have been adopted under current procedures?

QUESTION 49: Do you agree with the suggested scope and principles for guiding National Development Management Policies?

QUESTION 50: What other principles, if any, do you believe should inform the scope of National Development Management Policies?

We recognise the benefits of having consistent NDMPs, for appropriate national matters, in that they would reduce duplication in local plans and allow them (local plans) to be focused on locally specific matters. This would also have the benefit of reducing potential areas of uncertainty; where local plan policies are in conformity with policies in the NPPF, but sometimes do not replicate them precisely.

However, the need for local authorities to 'set out a positive strategy for the conservation and enjoyment of the historic environment' (NPPF, paragraph 190) must be retained and implemented, so that local plans do not rely entirely on NDMPs. This is needed to ensure that they put in place locally specific heritage policies to address locally specific issues (be they particular heritage at risk sites, particular issues in specific conservation areas, protection of local heritage assets, etc.). Locally specific heritage policies would offer great benefits to local communities, in that they would focus local plan policies on addressing specific local issues, rather than being concerned with generalities.

NDMPs would have to undergo an equivalent (if not greater) degree of scrutiny as local plan policies currently do (to which they would have equivalent weight – or be of greater weight if there was to be a conflict between the two), and it is not clear whether NDMPs would be subject to EIA (or equivalent). NDMPs would have to undergo public consultation and be subject to rigorous scrutiny and be informed by a

proportionate evidence base. Local plan policies are reviewed on a regular basis, and it is not clear whether NDMPs would be reviewed on a similar cycle.

The scope and detail within NDMPs will also require careful consideration in order to maximise their effectiveness. Their exact relationship with the PPG would also need to be made clear. At present, the PPG supplements the policies in the NPPF but does not have equivalent weight. However, there may be some content in the PPG of sufficient importance that it may be better for it to be incorporated into NDMPs as policy.

Consideration will also need to be given to when local plan policies seek, for valid reasons, to go beyond, or outside, the scope of NDMPs. For example, where local authorities want to go further, or faster, in achieving net-zero targets, or where they want to introduce strengthened protections for non-designated heritage assets (including archaeological remains).

QUESTION 51: Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

QUESTION 52: Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

We strongly support the suggestion that NDMPs should address the issue of embodied carbon and WLC assessments. They should also address issues around encouraging retention of existing buildings and appropriate retrofit.

NDMPs could be more specific around interventions involving non-designated heritage assets and could, as another example, do more to strengthen protection for heritage assets on a local heritage list.

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NDMPs should also address other types of plans which will be drawn into the suite of development plan documents. For example, it is likely that more detail will be needed around minerals and waste planning, as well as marine applications..

The current consultation focuses on the principle of NDMPs and asks for suggestions for other broad areas that NDMPs might cover. If the principle of NDMPs is taken forward, we look forward to continuing discussions on the detail of NDMPs relating to the conservation and enhancement of the historic environment. Such a change will allow consideration of where the line sits between the NDMPs and the PPG and offers the opportunity to consider ways in which existing policy might be further clarified and improved. There are significant opportunities to integrate policies around climate change adaptation, protection of locally listed assets and to rationalise PDRs.

QUESTION 54: How do you think the Framework could better support development that will drive economic growth and productivity in every part of the country, in support of the levelling up agenda?

Heritage and the historic environment already play an important role in supporting the levelling up agenda. It contributes to economic and social objectives, such as

reinforcing a pride in place. The historic environment can be an important catalyst in regeneration. Its restoration can play an essential role in reinforcing local identity and pride in place, where they have been lost. The historic environment also has benefits for living standards, health and well-being, jobs, education and skills, and housing. Planning legislation and policy must continue to support the management of change to the historic environment for the benefit of communities around the country.

The focus on design quality set out in the Framework is an important factor in achieving sustainable growth and regeneration. In some places, there are important questions about how viability can be achieved, in order to deliver development that will drive or facilitate economic growth. Compromising on quality of design, in those places, for short term gain would be likely to entrench the differences in quality of environment and be contrary to the levelling up agenda. This may also have subsequent impacts on health and wellbeing, safety and prosperity that the government is seeking to address.

Whilst planning needs to provide a mechanism to balance between many factors, the Framework should maintain achieving a high quality of design (including beauty) as a key goal for strategic and more local policies. It must give decision makers the support, and confidence, they need to secure this. Although outside the scope of the current consultation, it is acknowledged that capability and capacity at local authority level (both at officer level and for elected members making planning decisions) is crucial to a successful planning system.

QUESTION 55: Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

We are supportive of a brownfield first approach, where development proposals take historic environment considerations into account; be it through retaining historic buildings on site or responding to the surrounding historic context and character. Redevelopment of brownfield sites must take into account not just the existing buildings (both heritage significance and WLC value) but also any archaeological remains, which may be present.

However, failure to deliver brownfield sites is not always due to policy weakness but is sometimes due to market pressures. Planning policy, and matters covered in the current consultations, cannot address economic matters impacting on delivery of brownfield sites (e.g. the costs of decontamination). However, it can play a role in providing greater market certainty around what is likely to be acceptable on a given site. This may be through greater certainty/clarity of descriptors when sites are allocated in local plans, or through clearer design codes (informed by an appreciation of a site's historic context) which provide an agreed set of parameters for site development.

QUESTION 57: Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

Any consideration of how national planning policy is presented should consider how presentation of those policies is integrated with the presentation of local plan

policies. We are keen to work closely with DLUHC on how local plans and policies are presented, and there is an opportunity to consider whether there might be a benefit to national and local plan policies being presented as an integrated whole.

Clearly the relationship between the (plan focused) NPPF and the NDMPs requires careful consideration, as does the relationship between NPPF/NDMPs and the PPG. For example, there may be elements currently contained in the PPG which are better suited to be NDMPs.

The PPG provides further detail on the content of the NPPF and is updated on a more regular basis than the NPPF. However, it is guidance not policy, and going forward with the changes to the NPPF, it would be useful to have clarity on its status.

Refinements could be made to the PPG to ensure it is more easily accessible online, has better search facilities, and that the paragraph references are less convoluted (as per their current form).

It may be worth exploring greater connectivity between the NPPF/NDMPs and PPG, perhaps in the form of hyperlinks between relevant sections/paragraphs, so that they can be more easily read together. Also, the current sub-division of the PPG into different sections is sometimes unhelpful, as it is not possible to switch easily between inter-related topics, nor is it possible to easily search the entire PPG for a particular term.

Consideration should also be given to whether it would be beneficial to incorporate more links within the PPG to relevant advice from national bodies such as Historic England. This would be helpful to users of the PPG and increase awareness and usage of supporting national advice. This would be a relatively easy way to improve quality and consistency of decision making- improving people's local environment and confidence in the planning system.

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Historic England

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