



Proposed reforms to the National Planning Policy Framework and other changes to the planning system

Historic England 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.

Summary

Historic England supports the principle of a planning system that delivers good quality development and economic growth in a way that balances social, economic, and environmental factors. Heritage has a vital role to play in delivering government objectives, in particular kickstarting sustainable economic growth to help create wealth in every community, delivering homes, decarbonising our energy supply to reach Net Zero and revitalising urban environments so that everyone feels safe to walk the streets.

Heritage is key to creating environments where people want to live, work and visit. Our 2022 research ([Heritage and Civic Pride](#)) evidences that people see historic buildings and industrial heritage as central to their sense of civic pride. When people feel better about their surroundings, it translates to them feeling better about their prospects. Good quality, locally distinct places rooted in heritage have a proven track record in attracting talent, investment, innovation and tourism.

We welcome the opportunity to comment on the proposed changes to the National Planning Policy Framework (NPPF). The most significant proposed changes of interest to Historic England are:

- **Reversing previous changes to housing needs assessment methodologies and 5-year housing supply.** We support efforts to resolve the housing crisis through the delivery of new-build housing units, and through the beneficial reuse and conversion of existing buildings. However, we have identified anomalies which could see vastly increased targets in areas of great heritage sensitivity, while at the same time seeing lower than expected figures in areas with the greater regeneration potential. In combination with these anomalies, the proposed NPPF would see the deletion of text which states that these are only an advisory starting point, raising the question of the extent to



which they will be mandatory, when there will be benefits attached to a more flexible approach to make the best use of where the opportunities for growth lie.

- **Green belt reform**, involving a new set of “golden rules” to enable greenbelt release in tandem with the introduction of a new categorisation of “grey belt.” This includes a definition of what is meant by “grey belt” in terms of the circumstances of its release for development. We advise that the definition is clarified to provide a clearer understanding of how the new Green Belt/grey belt model may work in practice. We have also emphasised the importance of reusing existing buildings on brownfield land to deliver housing needs.
- **Changes to the NSIP process**, in particular increasing the size of developments that will trigger the NSIP process, and references to strategic planning. We support the merits of the NSIP process and encourage further exploration of any implications of the proposed changes to avoid inadvertent adverse effects on consistency and timeliness of decisions.
- **Planning application fees reform**. On balance, we consider that listed building consent should remain a free service for several reasons, including to avoid disincentivising applications coming forward. We have also suggested that any planning fee increases should be reinvested as additional monies to provide a better resourced and therefore improved planning service.

Alongside the focused questions on technical changes, the consultation includes some more general, open questions around the future direction of the planning system. We have emphasised:

- The importance of developing robust legislative provisions to support new **spatial planning through regional/sub-regional tiers** so that growth is effectively distributed and delivered sustainably. A genuinely regional/sub-regional plan-led system needs to be built on a foundation of strong locally specific, evidence-based policies that are tested through Examination, as seen in local plans and the 2021 London Plan.
- The need for the planning system to support measures to help address **climate change** in relation to the country’s large stock of historic buildings, including through retrofit, retention and reuse.
- The value of implementing outstanding **heritage provisions in the Levelling-up and Regeneration Act 2023**, in particular statutory Historic Environment Records and extending the duty to have special regard to all designated heritage assets.

In our response, we have focused on the specifics of the NPPF as an operational framework. We would be pleased to engage in broader planning discussions about the potential of heritage to support government missions through the full range of



mechanisms, such as local plans, spatial planning and National Development Management Policies.

Detailed Response

Chapter 3 – Planning for the homes we need

Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?

We recommend that the removal of paragraph 130 is complemented by strengthened wording elsewhere, for instance in paragraphs 126 and 127, to ensure that safeguards for the historic environment are retained.

Historic England recognises the need to deliver more homes and would highlight that many existing urban areas of historic importance present an excellent model for delivering density. Optimum density can therefore often be achieved by emulating, rather than disrupting, established and valued character. This is explored in Historic England's research on [Increasing Residential Density in Historic Environments](#). For example, the London Boroughs of Tower Hamlets, Islington, Hackney, and Kensington and Chelsea have both the highest population densities in the UK (based on [ONS population density statistics](#)) and a high stock of historic buildings made up predominantly of mid-rise Georgian and Victorian terraces and mansion blocks. These are built at an attractive human-scale, but to a dense development pattern.

The deletion of paragraph 130 removes contextual consideration of character and form in existing urban areas which could have inadvertent detrimental impacts upon the quality of design and the historic environment. Its removal would create ambiguities and potential conflicts with other policies in the NPPF which address good design and the historic environment. In particular, we would draw your attention to:

- Paragraph 126(d), which establishes the 'desirability of maintaining an area's prevailing character' as a key consideration in policy securing efficient use of land but does not in itself place emphasis on contextual analysis as an important mechanism to deliver sustainable places.
- Paragraph 127(a), which effectively establishes a default requirement for significant uplifts in the density of urban areas.
- Planning Policy Guidance on Effective Use of Land (paragraph 4), which recognises the need to take into account characterisation studies and design strategies, urban form, historic character and building typologies when establishing appropriate site densities.

The use of an authority wide design code to evidence situations where residential density would be 'wholly out of character' is an untested mechanism. The proposal would potentially be unachievable with the move towards area-based design codes as signalled by paragraph 12 of the consultation. It should be recognised that there will be situations where a significant uplift in density would not be desirable (or potentially



achievable), such as where the prevailing character of an area is highly valued and/or highly protected (a World Heritage Site, for example). The capacity of local places to accommodate increased density, alongside the most appropriate way of doing so, should be tested in Local Plan evidence bases using relevant methods, including area appraisals, masterplans, design guides and codes.

We would encourage further emphasis on optimising the benefits of reusing and repurposing vacant buildings to deliver housing. Our recent publication [Heritage Works for Housing](#) sets out our vision to bring redundant buildings back into use as housing. There is an opportunity to provide additional high-quality housing through the repair and beneficial reuse of historic buildings. For example, our report identifies that 42,000 homes could be delivered through conversion of historic mills in Lancashire and Yorkshire alone.

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

We agree that design coding is most appropriately applied at a localised level or using a typology or thematic approach. Design Codes can also work for major development sites such as large new communities, but we are not convinced that one single code works well when applied at an authority wide coverage.

This is because coding works best where it is delivering a locally specific design vision for change with known and definable desirable parameters. Having reviewed many of the design code pathfinders that have been supported by MHCLG funding, we conclude that those seeking to manage change at the authority-wide scale have sought to manage many unpredictable major and minor changes with unknowable outcomes. As a result, they have relied on vaguer terminology than the expectations of coding and so such “codes” would be better described as design guidance. The Lake District National Park Design Code is an example of one that is more guidance than code. The East Riding Design Code by contrast contains individual codes for each allocation site identified in the local plan. This provides certainty about the nature of change that should be delivered, which supports significant housing delivery and economic growth, whilst increasing the planning authority’s ability to secure better design quality in development.

Outside major areas of change, the impacts of numerous applications for householder and minor developments are harder to predict. As such, it has been difficult to specify universally acceptable parameters across large areas without these becoming vague. This is particularly the case across areas with existing complex character such as historic town and city centres and villages, where centuries of ‘organic’ development, building additions and renewal over centuries has resulted in rich and complex character. Nevertheless, some limited thematic approaches to a particular form of change across an area, such as the conversion of a type of building to new use, or the



introduction of particular retrofit measures, may be possible to code across a whole district. We feel there is opportunity for such thematic authority-wide coding. Historic England has, for example, commissioned a code to support conversion of historic textile mills for new uses in partnership with Pendle Borough Council to be used across this common but distinctive type of site found across their borough (and indeed across Pennine Lancashire and Yorkshire). In other circumstances, we recommend that design guidance, rather than codes, is most useful at the district wide scale.

The best design codes are produced in support of masterplans for major development where the code can reflect the combination of known site conditions, application of high-quality urban design approaches and development of a strong shared design vision. The Upton Design Code, prepared by Northampton Development Corporation with support from Historic England, has been upheld for the quality of design it established in the earliest phases of this major site's development (although this also depended on the perseverance of the Development Corporation in its application) and strength in creating a sense of place. As such, we feel that design codes do provide a suitable means of demonstrating how the spatial vision for individual site allocation policies should be delivered where it will have the greatest impact through major development. This should follow site allocation through the local plan, although it may be necessary to identify the suitable parameters required to ensure that significant change will be acceptable where considered alongside other important factors including environmental protections.

Design codes produced in support of a masterplan for major development can also respond to the need to provide varying requirements within distinct character zones or development parcels, support delivery of different uses and ensure that infrastructure across a site is provided at consistently high quality. This can also help to provide a sense of place across a wider area of major planned change, such as a regeneration corridor or zone. However, we suggest that design parameters impacts will be less predictable and fewer factors can be successfully coded at a wider scale, resulting in a diminishing return from coding.

There is potential for localised design codes to fit within a wider design framework for a district, including broader authority-wide design guidance, the design coding provided in neighbourhood plans and an over-arching design approach that is articulated through the local plan. However, the planning policy framework should be read as a whole, and we are concerned that it should be clear that design codes should not overrule the importance of development achieving other planning requirements. These requirements include the protection of the historic environment and the conservation of the significance of heritage assets, including the contribution made by their settings.



Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

Further support for effective co-operation on cross boundary matters would be welcomed and we broadly support changes to paragraphs 24, 27 and 28.

However, this proposal could be improved further by:

- Providing additional clarification to the text to better promote joint working, and Statements of Common Ground (SoCGs), with statutory consultees. For instance, in NPPF paragraph 25 it would be helpful if the list of 'relevant bodies' also referred to statutory consultees. Our experience has shown that close joint working and Statements of Common Ground in relation to matters such as heritage can be highly beneficial in progressing a Local Plan towards and through Examination. We would also like to see reference to other duty to cooperate matters in the revised NPPF, given that effective and on-going joint working relates to strategic matters other than purely cross boundary issues. There is an opportunity for strategic planning to support delivery of a vision at a broader level, as well as placing greatest emphasis on meeting unmet need and 'major' infrastructure. It may then be beneficial to avoid specifying the areas in which strategic plans should be focused at this stage, and instead explore means of maximising the beneficial impact of regional plans.
- Providing greater definition of strategic policy-making authorities in paragraph 27 of the NPPF, particularly as the aim is for universal coverage (i.e. beyond mayoral areas). Further consideration needs to be given to exploring how housing need in constrained areas could be shared without overburdening neighbouring areas or placing undue pressure on LPAs in neighbouring authorities. Statutory consultees play a key role in assisting in effective cooperation across boundaries, particularly in the plan-making process, and this could be recognised in the NPPF.

Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?

Historic England supports the current tests of soundness as set out in the current NPPF and would urge caution in amending them.

The current tests should apply to strategic regional/sub-regional level plans, as well as local plans, as is the case with the 2021 London Plan. Major strategic development needs to come forward in a deliverable way that takes into account reasonable alternatives and is based on evidence. There needs to be a clear link between the requirement for a proportionate evidence base and the exercise of demonstrating that a plan is sound. The emphasis should be on the proportionality of the evidence base. The implications of failing to base plans on robust evidence include the allocation of sites for development that are ultimately undeliverable without major environmental or other impacts, or the approval of sub-optimal 'speculative' planning applications, both of which could undermine other government priorities such as nature recovery and



good design. The 2021 London Plan is an example of evidence-led strategic planning, the learning from which could usefully inform other strategic plans.

Chapter 4 – A new Standard Method for assessing housing needs

Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

While we acknowledge that basing household projections on existing housing stock rather than population projections would make them more predictable, we advise that this approach may not accurately reflect the true housing needs of an area, and stymie efforts to build housing where it is most needed. The risk of using stock-based projections is that they may not sufficiently consider recent demographic trends. This could result in anomalies, such as land for housing potentially being released in areas where the population is static or declining due to a relatively elderly population and low levels of in-migration, alongside a lack of homes targeted in areas with most regeneration potential.

The proposed change in baseline could lead to significant increases in mandatory housing targets for some areas, which may have unintended consequences. For instance, these new targets could put considerable pressure on local planning authorities to allocate sites that are unsustainable or to increase housing densities in ways that conflict with or undermine local character, posing a real risk to the historic environment.

Moreover, this approach fails to consider the market's capacity to meet these targets. For instance, developers may not have the capacity to build faster, or the local market may struggle to absorb the new homes quickly enough. As a result, local authorities could miss their five-year housing targets, causing Local Plans to be deemed out of date, which in turn could lead to unsustainable speculative development. Again, this would likely undermine local character, with consequences for the historic environment.

On this basis, while we support the government's efforts to simplify the standard method, we advise that the method remains demographic-based, with appropriate adjustments for factors such as affordability. This approach would not only more accurately reflect the number of homes genuinely needed in each area, promoting sustainable development, but also assist planning officers in fostering greater community buy-in when discussing the need for new homes.



Question 19: Do you have any additional comments on the proposed method for assessing housing needs?

We welcome the consultation's (paragraph 19c) reference to the ambition of maximising delivery in urban areas including brownfield first, gentle densification and building upwards where appropriate. In order this make this approach most effective, it should be properly supported by improved cross-boundary planning arrangements and by carefully establishing an achievable housing requirement in line with NPPF paragraph 67 (see our response to question 1). This is because it should be noted that many urban local authorities have tightly drawn district boundaries that limit the availability of land for new development. This can result in particular pressure for higher density and taller forms of development which, in the context of a sensitive historic environment, may be difficult to achieve without resulting in significant harm.

Whilst the NPPF rightly promotes a brownfield first approach to development (and brownfield land is mentioned in paragraph 65 in the context of provision of affordable homes), the emphasis in chapter 5 (Delivering a sufficient supply of homes) is on councils identifying land for new homes for major, medium and small sites. Along with possible changes to paragraph 157 (see our response to question 78), chapter 5 could encourage LPAs to factor in the provision of new homes in re-used existing buildings within their area. This would complement the brownfield first approach and potentially reduce pressure for the allocation of new sites for housing, where the capacity of an area to accommodate new housing is a concern.

Chapter 5 – Brownfield, grey belt and the Green Belt

Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

We support the principle of reusing brownfield land and adopting a sequential approach that focuses on brownfield sites first. Their regeneration can yield a number of mutually supportive socio-economic and environmental benefits. For example, our research shows that the repair and repurposing of vacant/underused historic buildings in England has the potential to provide between 560,000 and 670,000 additional residential units of varying sizes. A sequential approach is an effective way to facilitate the beneficial reuse of existing historic buildings and structures, whose retention can help create local distinctiveness, instil civic pride, and maximise whole-life carbon benefits. Generally, it would be helpful if the NPPF could better encourage the reuse of existing/historic buildings, where appropriate, or the repurposing of vacant buildings in the context of grey belt/Green Belt.

Specifically, we urge reconsideration of the proposed wording of paragraph 124c, which states that "Proposals [for the use of brownfield land] should be regarded as acceptable in principle". This could be interpreted as providing policy support for *any* proposal that may come forward on brownfield land, potentially placing the policy in conflict with those elsewhere in the NPPF, and local plan policies, which could



increase the likelihood of lengthy and costly planning appeals. We recommend leaving the text of this paragraph in the NPPF unchanged, as this currently places “substantial weight on the value of re-using brownfield land”, thus already providing strong policy support for the primacy of brownfield redevelopment, subject to appropriate consideration of other policies. An alternative would be to replace “acceptance in principle” with “presumption in favour of” (subject to consideration of other relevant policies), as this is more in keeping with other terminology used in the NPPF.

There does not appear to be a clear definition explanation of the term “brownfield passport”, so we are unable to respond to this part of the question. We would welcome details of the intention for brownfield passports and would be pleased to support discussions about its definition and implications.

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

Definition of Green Belt

Green Belt land has an important role in the planning system in fulfilling the purposes set out in paragraph 143 of the NPPF, including preserving the setting and special character of historic towns (purpose d). It is recognised that those purposes are undermined by some, although not all, Green Belt sites which already contain development (Previously Developed Land or PDL). Re-evaluating the effectiveness of land which does not fulfil, or performs poorly against, the five purposes of the Green Belt, and/or is PDL, is a way to help identify new areas of search for development.

However, it must be recognised that not all such sites can be regarded as being suitable as a matter of course. To do so would risk conflict with other policies in the NPPF and development plans, and other spatial planning objectives. Green Belt will contain designated heritage assets, some of which will be highly graded, such as Registered Parks and Gardens, Registered Battlefields, scheduled monuments and listed buildings. Any release of land in Green Belt (either as grey belt or PDL) should seek to avoid harm to the significance of heritage assets that may potentially be affected, and that of their setting.

It should also be remembered that because a site has been developed or makes little or no contribution to the purposes of the Green Belt does not mean that proposals for new development might not either undermine the Green Belt, turning the site from neutral to negative, or undermine it more than the present development.

The openness of the Green Belt has a range of benefits, from allowing appreciation of the historic landscapes that define our rural heritage, to comprising the setting of a range of heritage assets. PDL may have been developed in a way where it can still allow the openness of the Green Belt to be appreciated. We are concerned that, as proposed, the revisions to paragraph 154g (new 151) would permit PDL to be



redeveloped, while allowing harm to the openness of the Green Belt without any explicit link to (and possibly regardless of) the level of benefit of the proposal; and potentially with limited demonstrable benefits if under the threshold for major development and not captured by the proposed 'golden rules'. It is not clear whether (previously developed) land referred to in paragraph 154g (new 151) would be regarded as "land which has been released from Green Belt..." referred to in the new paragraph 155, and therefore whether any of the golden rules for major development in Green Belt would apply to major sites developed under 154g (new 151).

In addition to being problematic in itself, the proposed changes to 154g (new 151) potentially set up a conflict with paragraph 153 (new 150) where "any harm" to the Green Belt should be given substantial weight.

We also advise that any change in the definition of Previously Developed Land (PDL) must also be reflected in the glossary to ensure consistency and clarity.

Hardstanding and glasshouses

We would not support the inclusion of hardstanding and glasshouses within the definition of PDL¹. Hardstanding does not generally impact on the openness of Green Belt. Glasshouses generally have a limited impact on openness and, depending on scale, would in many cases be unlikely to have a significant impact on the contribution of a site to the five purposes of the Green Belt, including preserving the setting and special character of historic towns.

Other exclusions

We would request that land developed for renewables is excluded in the definition of PDL, as is the case with other land uses (e.g. agricultural, mineral, waste sites). For instance, a solar farm may have been permitted in Green Belt, under the balancing tests set out paragraph 156 (new 154) of the NPPF. If land used for solar farms fell within the definition of PDL, it would open it up to other forms of development, such as under paragraph 154g (new 151) with greater possible impacts requiring less justification in line with the tests of 156 (new 154) being triggered. This would ultimately see development coming forward without the same environmental benefits.

We also note that there is no separate definition of Brownfield land in the NPPF glossary: "Brownfield land: See Previously developed land." Any alteration to the definition of PDL would have consequential impacts on the application of any policies relating to brownfield land (e.g. brownfield first).

¹ We note that the consultation document (Chapter 5, paragraph 11) makes reference to the possibility of including hardstanding and glasshouses in the definition of PDL, whereas question 22 refers only to glasshouses.



Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

We agree that it is useful to define poorly performing land in the Green Belt (grey belt) and to set out the circumstances in which, and how, it might be redeveloped. The concept of "grey belt" appears to formalise what many local planning authorities already do in their Green Belt reviews, and it could be a legitimate method for identifying potential development sites. In this regard, we support measures that provide greater clarity.

However, it will be important to test proposals for the development of grey belt sites against a moderated version of the ordinary Green Belt tests, and we have the following suggestions regarding the detailed wording of the proposed definition of grey belt:

- We support the exclusion of those areas or assets of particular importance listed in footnote 7 of the NPPF (other than land designated as Green Belt) but recommend that there is also reference to footnote 72.
- It is unclear what is meant by the term "limited contribution". We would welcome clarity on this point.
- The proposed criteria suggests that land which performs poorly against any *single* purpose of the Green Belt may be regarded as being grey belt, effectively disregarding its performance against any or all of the other four purposes which may mean it still has a high degree of value. Similar concerns exist with proposals under the second part of the definition "b)". Land must only "have at least one of the following features...": again, as written, poorer performance against one criterion will undermine a land's performance against any or all of the other criteria. As an example, "land which is dominated by urban land uses" (criterion iii.) would be regarded as being grey belt regardless of any important contribution(s) it might make towards the other criteria e.g. its contribution to "preserving the setting and special character of historic towns" (criterion iv.). The different criteria have different thresholds, which could cause confusion and ambiguity, such as (criterion ii.) "Land which makes no or very little contribution..." and (criterion iv.) "Land which contributes little to...". Similarly, terms such as "urban land uses" (criterion 4) will potentially be a source of much future debate. Greater clarity is needed on the relationship between grey belt land and PDL. It is not clear from the proposed definition, whether all PDL (in Green Belt) would automatically be classified as grey belt land or whether only some PDL would fall within the definition of grey belt (i.e. one can have PDL in Green Belt which is not classified as grey belt land and PDL in Green Belt which is also grey belt). This is an important distinction with regard to protection of the historic environment, in that the definition of grey belt excludes land referenced in footnote 7 of the NPPF (i.e. designated heritage assets are excluded from grey belt), whereas the definition of PDL does not exclude footnote 7 land. If all PDL automatically falls within the classification of



grey belt, there needs to be a greater alignment between definitions of grey belt and PDL.

- Although the framework for assessment and the terminology are different, it may be worth considering the relatively simple approach to sites set out in paragraph 213 of the NPPF: “Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance...”.

Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

Any safeguards to prevent degradation of Green Belt land should apply across the board and not just to “high performing Green Belt land”. Although the context is different, paragraph 202 of the NPPF may be a useful comparator: “Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision”.

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Yes, additional guidance would be helpful to avoid ambiguity in practice which could cause planning delays. We recommend that the NPPF itself contains reference to how land of “limited contribution” can be identified, which can then be expanded upon in the planning practice guidance (PPG). It would also be helpful to provide additional guidance on what is meant by the term “urban land use”.

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

No, we have no additional points beyond those raised in response to question 23.

Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

Local Nature Recovery Strategies could play a role in identifying areas of Green Belt (including grey belt) which could be enhanced. This could include identifying areas of the Green Belt where biodiversity net gain (via offsite provision from elsewhere in local authority areas) can be used to enhance the Green Belt.

Paragraph 150 (new 147) of the NPPF requires that local planning authorities plan positively to enhance the beneficial use of Green Belt, such as looking for opportunities to: provide access; provide outdoor sport and recreation; retain and enhance



landscapes, visual amenity and biodiversity; or improve damaged and derelict land. This paragraph could be amended to require local plan policies (or supplementary planning documents) to actively manage and enhance designated Green Belt, in addition to simply identifying Green Belt and grey belt boundaries.

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

We support the principle of a sequential approach to the consideration of sites as set out in the revised paragraph 147 (new 144).

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

We support the sequential approach proposed where there is clear and convincing justification, and we agree that it should not fundamentally undermine the function of the Green Belt. However, we would advise that the wording - “should not fundamentally undermine the function of the green belt across the area of the plan as a whole” - could inadvertently allow a higher degree of harm/impact than intended, and inadvertently open the way to the progressive erosion of the Green Belt. It is unclear if the test is to be made against the entire Green Belt area or the entire LPA plan area. Either way, it is possible to envisage a situation where the release of a site might fundamentally undermine the purposes of the Green Belt locally, but not when considered against the area as a whole.

Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?

It is our view that the most effective and streamlined route for identifying grey belt is through the local plan process, rather than through decision making, as this delivers more certainty for local people as well as developers. Notwithstanding this, proposals can still be assessed on a case-by-case basis, and if the new green belt release approach is adopted, local authorities will have a greater policy support from the NPPF to guide how these decisions are taken to meet development needs, such as housing provision.

On a drafting point in relation to new paragraph 155, we note that there is an “and” between subsections a and b, but not between b and c, which might lead to ambiguity in whether a, b, and c all apply.



Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?

We would emphasise the need for release of grey belt to be done through the plan-making process to ensure development is genuinely plan-led, and that those plans have been tested against the current tests of soundness. This has the benefit of improving certainty in the process and reducing the likelihood of subsequent delays in decision-making.

We also recommend providing a definition of "other development". This would then give certainty as to what was possible.

Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

Yes, and we also suggest highlighting the potential to enhance the historic environment through Green Belt release by: 1) providing refurbishment and beneficial reuse of existing buildings (where they have historic value or support local distinctiveness); 2) enhancing the setting of heritage assets nearby; and 3) securing appropriate community benefits, such as access to green space.

Paragraph 25 of the consultation document (chapter 5) recognises "that accessible green space is an integral part of quality places". Access to the historic environment is also known to contribute to health and wellbeing, and community cohesion. Release of Green Belt land should, therefore, also secure benefits to the historic environment alongside other benefits to community and nature.

Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?

We broadly support putting mechanisms in place to ensure that any benefits delivered through the golden rules are not undermined through land value speculation. However, because of the unique characteristics encountered with heritage assets, a blanket existing use value (EUV) is not appropriate. Where heritage assets are a factor, a case-by-case approach is preferable, particularly where the condition and/or repair of a heritage asset might impact on the viability of delivering housing on a particular site.

As currently drafted, the text of Annex 4 (paragraph 1, final sentence) proposes that "local material considerations" should be used by LPAs when setting benchmark land values. We recommend that relevant local material considerations include historic environment considerations, and that this and any other local considerations could be specified in a footnote. We would be pleased to provide suggested wording to this effect.



Chapter 6 – Delivering affordable, well-designed homes and places

Question 57: Do you have views on whether the definition of ‘affordable housing for rent’ in the Framework glossary should be amended? If so, what changes would you recommend?

We advise that any amended definition of “affordable housing for rent” must recognise the special status of charitable almshouses and Livery Company-run provision (or other historic estates with similar objectives and funding mechanisms), such as The Charterhouse, which 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.

Many almshouses are historic buildings which contribute positively to the character and quality of places, as well as providing affordable accommodation for communities. However, they are generally charitable institutions/trusts which may have particular limitations based on matters such as their endowments, purposes, and the nature of their beneficiaries. We understand that whilst tenants may make a contribution to the trust in charge of the almshouses, in many cases they do not pay “rent”. We recommend that detailed comments should be sought from [the Almshouse Association](#) on this matter.

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to ‘beauty’ and ‘beautiful’ and to amend paragraph 138 of the existing Framework?

We support references to well-designed buildings and places as these factors are these elements are important to securing high-quality environments where people choose to live, work and visit. We would point out that an alternative term to “beauty” would be “aesthetic value”. This is an established concept which stems from our [Conservation Principles](#) (2008), and is well understood across the planning and heritage sectors.

Question 60: Do you agree with proposed changes to policy for upwards extensions?

We recognise that upwards extensions are a viable and effective way to increase residential floorspace, providing appropriate safeguards are put in place to secure high quality design and take into account the impact on local character and heritage assets. However, we have specific comments on the references to mansard roofs and the conditions of simultaneous development, as set out below.



Mansard roofs

Whilst we support the purpose of the policy in efficient use of land, we believe that the inclusion of mansard roofs is too specific a direction for a document concerning itself with high level policy framing. Furthermore, whilst a traditional roof form, mansards will not be the appropriate design response in all instances. We recommend that the proposed remaining reference to mansard roofs (in paragraph 122e) is omitted. It would be more helpful to simply refer to “appropriate upward extensions” in the context of appropriate consideration of the historic environment and use of tools such as design codes.

Condition of simultaneous development

Paragraph 122e (of the revised NPPF), states that “a condition of simultaneous development should not be imposed on an application for multiple upward extensions unless there is an exceptional justification”. However, there will be instances where simultaneous development will be desirable, if not necessary, to ensure that upwards extensions do not come forward in a piecemeal way that would harm the quality and character of the existing building and/or the surrounding area. An example would be a conservation area where the visual and spatial uniformity of roofscapes may be fundamental to its special interest, and therefore vulnerable to incoherent upwards extensions.

We therefore advise that the “exceptional justification” test is too high and recommend that the word “exceptional” is omitted. We also suggest that the circumstances and justification for requiring simultaneous development of upwards extensions could be usefully expanded on in the PPG.

Chapter 7 – Building infrastructure to grow the economy

Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

We recognise the importance of driving greater commercial development in growth industries such as laboratories, gigafactories, digital infrastructure and freight/logistics. We recommend a more strategic approach to identification of such sites (see also our response to Question 12), as the proposed local plan-led approach creates a risk of oversupply of sites. Given their potential number and size, this may result in threats to the historic environment through both the developments themselves and their associated infrastructure, such as roads and utilities. We advise that local authorities are asked to work together at the sub-regional, rather than at the individual authority, level in order to both minimise harmful impacts and maximise beneficial outcomes.



Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

Historic England recognises the importance of commercial developments and the contribution they make to the economy. However, we are unclear about what is being proposed, as provision for these types of development already appears to exist. Taken together, the [Planning Act 2008 \(Section 35\)](#), the [Growth and Infrastructure Act 2013](#), the [Infrastructure Planning \(Business or Commercial Projects\) Regulations 2013](#) and the [Extension of the NSIP regime to business and commercial projects policy statement](#) already detail how developers can request to go through the NSIP consenting regime e.g. for large-scale business or commercial developments (internal floorspace of at least 40,000 sqm) and large data centres. We therefore suggest that consideration is given as to whether the existing provisions are already sufficient, without the need for additional measures.

Chapter 8 – Delivering community needs

Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?

Landscape, parks and open spaces in green and blue infrastructure networks often have heritage interest, which helps contribute to the quality of these spaces by helping to create a sense of place and tangible link to the past. It would be helpful to highlight this in the NPPF or PPG.

The NPPF could better encourage plans to make use of opportunities to link green infrastructure networks into existing green spaces in towns or historic spaces, such as churchyards. This would both improve the setting of historic buildings and/or townscapes, as well as provide more better environments for people to enjoy. Maintenance of, and improved accessibility to, green infrastructure networks and spaces should also be considered as key policy issues in the NPPF so that they continue to serve as high quality places in the long term.

The NPPF could also highlight the benefits that development can bring to local communities during the construction phase. The economic benefits for local communities regarding job creation and skill-building, are well understood. However, there is greater potential for planning policy to recognise the social value of development, such as through community heritage programmes and therapeutic archaeology.

Pedestrianised spaces and dedicated cycling infrastructure can lead to the reduction of motorised vehicles in sensitive historic settings. This has benefits for the environment, the health of individuals, community cohesion and the economy. The NPPF could better encourage the development of pedestrian and cycle transport



networks, achieving this through the use of complementary policies (including heritage policies) to improve the public realm and reduce vehicle dominance, so that more people can walk and cycle safely and in comfort. To further aid delivery of this policy ambition, the NPPF could strengthen the requirement for local plan policies to be developed on this topic.

We recommend a review of permitted development rights (PDRs), to ensure that they are not working against the policy objectives of promoting healthy communities, such as through changes of use or development of hard standings.

Chapter 9 – Supporting green energy and the environment

Question 72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?

Historic England strongly supports the objective to decarbonise energy and reach zero carbon electricity generation by 2030. We recognise that onshore wind will play a major role in meeting this objective. Regardless of whether onshore wind projects are dealt with through the Town and Country Planning Act (TCPA) process or via the NSIP consenting regime, impacts on the historic environment must be considered fully throughout the process, from pre-application to post permission/consent delivery. This enables Historic England to identify issues and advise on suitable mitigation at the earliest possible opportunity. It would therefore be helpful to consider strengthening policy criteria to further emphasise, and compel, applicants to engage early with Historic England to speed up the consent making process.

Should onshore wind be included in the NSIP regime, it would be helpful to clarify if and when a new National Policy Statement will be forthcoming. Historic England would be pleased to advise government on the historic environment aspects on this policy to ensure maximisation of both decarbonisation and heritage benefits.

Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?

In principle, Historic England strongly supports the NPPF's ambitions for renewable and low carbon energy. However, further consideration as to how this can be best achieved is required.

The proposed changes to paragraph 164 could lead to conflicts with the requirements of paragraph 162, resulting in ambiguity that could delay decision-making. Paragraph 164 effectively directs LPAs to support applications for "all renewable and low carbon development". This element of predetermination could feasibly prevent LPAs applying paragraph 162, which requires them to expect development proposals to comply with development plan policies. There is also a potential conflict with s38 of the Planning and Compulsory Purchase Act (2004) in this respect, as well as the tests set in Chapter



16 of the NPPF. We recommend exploring alternative wording which would give greater support to renewable and low carbon energy proposals without undermining the plan-led process.

Where any direction to approve is included in the NPPF, we request that it is caveated by the wording "...if its impacts are (or can be made) acceptable". Not doing so would risk harm to a number of other spatial planning objections, including the conservation or enhancement of the historic environment, as it would lead to direct conflicts with other NPPF stipulations and with statutory obligations across set out in other legislation. This again creates ambiguity, and critically could result in unsustainable development.

We support the proposed amendments to paragraph 161b which would see "consider identifying" substituted with "identify". This provides a clearer steer for LPAs when identifying suitable areas for renewable energy infrastructure. However, we suggest the PPG is revised to provide more direction on the specific methodology for identifying those areas. This will make the requirements of paragraph 161b easier to implement effectively and would help improve consistency in decision-making. It would also help statutory consultees ensure that they are also providing consistent advice.

Government's PPG for Renewable and Low Carbon Energy indicates that site identification methodologies should take account of "the potential impacts on the local environment, including from cumulative impacts". We would therefore welcome (and would welcome contributing to) the creation of clear guidance on the evidence requirements of this topic including the consideration of high-level environmental impacts such as those on the historic environment. We also suggest that that in identifying sites for renewable energy, LPAs should also consider urban areas (for example, car parks and retail parks) which may be suitable for development such as solar installations.

We welcome the deletion of "in determining applications" from existing paragraph 164 (proposed paragraph 163), relating to the support of energy efficiency and low carbon heating improvements to existing buildings, as this will expand the scope of this paragraph to cover plan making.

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

Additional protection would be a preferred option. Peat soils play a key role in carbon sequestration, so it would be counterproductive to encourage development that adversely impacts their contribution to climate change mitigation. A policy requirement that seeks to avoid negative impacts in the first instance, would provide a clear policy steer, rather than considering any compensatory offsetting measures (which may not be appropriate to account for the loss of established mature peatland). Additional



protection for such habitats would also have a beneficial impact on the historic environment, as peat soils will often contain well preserved archaeological remains and paleo environmental resources.

When defining what constitutes “renewable energy development”, it would be helpful to include associated infrastructure needed to support their installation and maintenance (e.g. both temporary and permanent roadways). This could be achieved by including a glossary definition, or explanation in the PPG.

Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?

And

Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

We do not have specific comments on these proposals but note that there are pros and cons to raising the threshold. One of the advantages of the NSIP regime is the delivery of consistent decision-making. We therefore advise that the implications of changing thresholds are worked through with statutory consultees and PINS to avoid inconsistencies.

Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?

We do not have specific comments on alternative thresholds, but we do have comments on historic environment implications.

Irrespective of the thresholds applied, impacts on the historic environment must be fully considered throughout the NSIP process. Early pre-application consultation is vital to enable identification of potential risks to the historic environment, so that the mitigation hierarchy (see EN-1, para 4.3.4) can be applied at the earliest opportunity. For example, appropriate archaeological evaluation can support the smooth and speedy progression of the development and help to manage the developer’s risk early in the planning process. Similarly, and regardless of threshold level, it can also inform post-consent evaluation and special contingency arrangements for significant archaeological discoveries which deliver public value.

As per our response to question 72, a new National Policy Statement (NPS) for onshore wind will establish clear policy support and could helpfully include details on associated structures, such as battery storage facilities. Regular updating of the NPS will ensure policy remains up-to-date as technology changes.



Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

There are a number of ways in which planning policy could do more to address climate change within the context of the historic environment through retrofit, whole life carbon assessments and re-use. By avoiding needless demolition and instead re-using and adapting our existing buildings appropriately, we can reduce carbon emissions, improve the quality of the built environment and nurture the skills needed for a greener economy. To this end, we recommend the following:

Retrofit

- Encourage and recognise the importance of good maintenance and repair of buildings pre and post retrofit. This is integral to the resilience and longevity of buildings, and any subsequent retrofit systems that have been installed. A building needs to be in a state of good repair to enable retrofit in the first instance and maintenance will be required on a continual basis post-installation to ensure the measures installed continue to deliver genuine carbon reductions.
- Make explicit reference to the need for a whole-house approach when developing retrofit programmes to avoid unintended negative consequences through maladaptation. These unintended consequences may include:
 - harm to human health and building fabric through poor indoor air quality, condensation and mould growth;
 - failure to achieve the predicted savings or reductions in environmental impact (maladaptation can worsen emissions and reduce the thermal performance of buildings);
 - exacerbating fuel poverty; and
 - harm to heritage significance, including loss of features and irreversible harm to fabric.
- Provide a greater NPPF emphasis on the need for LPAs to develop local policies which are based on a long-term view of the climate hazards, vulnerabilities, and risks facing their own localities, rather than planning for the short-term. There could be a role for strategic regional/sub-regional planning in this respect. This will ensure that local policies are robust and will adequately address the climate issues that we will be facing over a 20-30-year period (allowing planning policies to address root causes), rather than a 5-year period. Currently, energy/carbon efficiency is considered without consideration to the future impacts from climate change such as flooding or increased temperatures.
- Recognise and encourage small scale positive actions that can be taken cheaply and immediately. For example, installation of secondary glazing,



shutters and brise soleils are, in many situations, appropriate options that can have an instant carbon reduction impact.

- Secure post-retrofit monitoring and data collection. This information will be invaluable for understanding the effectiveness of interventions.
- Strengthen policies to encourage the retention, retrofit and re-use of existing buildings over demolition and rebuild to maximise the benefits of embodied carbon. A specific example might include protections for locally listed heritage assets and non-designated heritage assets (NDHAs) and reviewing existing PDRs for demolition of locally listed buildings (as identified non-designated heritage assets). It would be helpful to review how policies could be strengthened following consideration of the submissions received from the current MHCLG research survey on demolition.

Whole life carbon (WLC) assessments

- Incorporate WLC considerations (including the carbon involved in demolition and redevelopment) into legislation, policy and guidance, embedding this at both plan and decision-making stages. This will encourage the sympathetic repair and re-use of existing buildings.
- Secure transparent reporting across the WLC cycle with improved availability of data and guidance, such as on benchmarks per square metre, per building type. 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-Cycle Carbon Assessments guidance](#).
- Factor the potential for public realm and soft landscaping, within existing and new development, into WLC considerations.
- Consider other policy options which encourage the use and re-use of building materials, such as material passports.

Re-use of existing buildings

- Strengthen paragraph 157 of the current NPPF, which “encourage[s] the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”. This policy could be strengthened by including a *presumption in favour of* beneficial reuse, rather than only encouraging it.
- Expand paragraph 157 to include the detail of the types of building activities (in response to climate change) it supports.
- Review PDRs relating to the demolition of non-designated heritage assets to ensure that they are supporting the transition to Net Zero by encouraging re-



use. In particular, we would encourage a review of the PDR for demolition of heritage assets on a local list. Local lists are an important tool that LPAs can use to identify heritage assets which are valued locally and is a means of helping local communities protect their everyday heritage. The existence of a PDR for demolition of these assets can undermine those policy objectives. We would support the removal of those PDRs, for those formally identified non-designated heritage assets.

In addition, we would welcome an opportunity to discuss how chapter 16 of the NPPF might be amended to better balance climate action and impacts on the significance of heritage assets. Achieving Net Zero through reducing the carbon footprint of our building stock is an issue for all buildings, not just historic buildings. However, due to the additional particular nature of historic buildings, and the need to balance any changes with impact on their significance, we believe that there is a possibility of greater clarity within chapter 16 on how that balance might be made, within the legislative requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the new duties intended in section 102 of the Levelling-up and Regeneration Act 2023 (LURA).

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

Accurate carbon accounting is an important aspect of plan-making and planning decisions. Whilst there is not a specific industry standard, there is broad agreement on certain methodologies for calculating embodied or Whole Life carbon, such as the RICS' Professional Statement on Whole Life Carbon Assessments and the GLA's Whole Life Carbon guidance.

However, the efficacy and wider use of methodologies is constrained by the following factors:

- Accounting tools/software are often behind paywalls, and the expense can stymie uptake amongst LPAs and applicants.
- Different accounting tools generate outputs using different methodologies/formulas, which are themselves often hidden. This leads to inconsistent results, and makes meaningful comparison between different methodologies difficult, reducing confidence in their usage.
- The wide availability of different supporting data on emission factors (often behind pay barriers or out of date) makes calculations harder to compare. The UK is behind the EU in the number of certified Environmental Product Declarations (EPDs) that are issued. These provide certainty in a product's embodied carbon and therefore support consistent accounting. They could also



be added into a nationally available database to support ease of use and comparison.

- Varying outcomes, coming from differing accounting tools and based on differing inputs, undermine confidence in carbon accounting and lead to a certain reluctance to publish or share best practice.
- Organisations requesting carbon calculations differ in what they require, and how they use what is received. Having different approaches undermines support for the system and leads to the possibility of duplicated and/or unnecessary work for applicants and LPAs.
- Whilst the available accounting tools are getting more sophisticated, there is still a reliance on manual data entry, presumed knowledge and Application Programme Interfaces (APIs) linked to internal systems.

There needs to be an agreed and transparent accounting process based on accurate and consistent supporting data. Accounting tools need to be available at a reasonable cost to both LPAs and developers. This should be supported by a clear and consistent policy position on accepted carbon accounting methodologies, inputs, levels of detail requested, where baselines are set and how carbon accounting is used in decision making, be it targets around embodied, operational and/or whole life carbon.

Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?

The NPPF could be strengthened to provide a stronger steer on planning for flood risk. We would recommend:

- Amending paragraph 158 (new 159) to refer to the adaption of development rather than just planning for its relocation, as in many cases relocation would not be possible. This is particularly important for heritage buildings that cannot be moved as their sense of place and significance might be inappropriately impacted or result in assets becoming stranded. Historic England has undertaken research (April 2022) to identify different adaptation options for buildings at risk of flooding and is in the process of commissioning further research on adaptation to other climate change hazards, using multi-criteria analysis to support the continued use of our heritage.
- Expanding NPPF paragraph 167 c) to ensure that where green and blue infrastructure is part of the management of flooding for new developments, correct planting and maintenance regimes are provided. It is important to prevent new development coming forward in a way that risks increasing climate change hazards, such as building in high-risk flood areas or using unsustainable building materials and typologies. Presently, many new



developments install sustainable urban drainage (SUDs) that are not appropriately planted or maintained and thus fail in their requirements.

Historic England is already collaborating with the Environment Agency to provide guidance, training and case studies on the different approaches required for traditional and modern buildings in response to flooding. Historic England would welcome an opportunity to discuss, collaborate and expand on this via the PPG to ensure that appropriate resilient and resistant measures are introduced depending on the building's construction and materials. It would also be helpful if the NPPF recognised the risks associated with maladaptation - as frustrates carbon reduction agendas - and highlighted the need for appropriate construction materials. Where these issues is not considered, traditional buildings (30% of UK building stock) will continue to be maladapted resulting in significant refurbishment, which runs contrary to paragraph 173 in the NPPF.

The planning system also has the potential to encourage the use of traditional land management practices to lessen flood risk and sequester carbon. The NPPF could better recognise the benefits that this can provide in addressing flood risk.

Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?

The re-use and adaptation of existing buildings, as a route to Net Zero and/or for their protection as locally valued heritage assets, is currently undermined by existing PDRs for demolition of certain buildings under the [General Permitted Development Order 2015](#). In addition to potentially working against Net Zero targets, [section 102 of the Levelling-up and Regeneration Act 2023](#) proposed extending the statutory duty to have special regard to the preservation or enhancement of a wider range of designated heritage assets, and their setting, which should be taken into account in any review of PDRs. We were already concerned that may be inconsistencies in the various exemptions for different PDRs and whether the different prior approval matters, for different PDRs, were the most effective way of managing changes. We therefore support the Select Committee's call⁵ for a full review of PDRs and their role within the wider planning system.

Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?

It is vital that the any policy changes do not inadvertently impact on successful initiatives such as the Department for Environment, Food and Rural Affairs' [Environment Land Management Schemes](#), which support the long-term management and maintenance of scheduled monuments.



Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

Historic England understands the importance of ensuring improved infrastructure is in place to help meet future needs. We are aware that as a result of increased demand, coupled with the impacts of climate change, water resources will come under increased pressure. Provisions in the Planning Act 2008 currently cover dams and reservoirs, transfer of water resources and desalination plants. In whatever way these provisions of the Planning Act 2008 are improved, consideration of the impact of water infrastructure on the historic environment should be given through all stages, from pre-application to post consent delivery.

Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

Alongside improving water infrastructure provisions through the Planning Act 2008, the NPPF could look to encourage improved water use efficiency in all suitable developments. Where appropriate to local circumstances, this could, for example, be delivered through rainwater and greywater harvesting systems, depending on factors such as local climate and rainfall patterns. Longer term, this will result in a reduced need for water infrastructure and consequently avoid or minimise impacts on the environment.

Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects

Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

Listed building consent (LBC) does not currently attract a fee. Whilst we acknowledge that there are arguments for and against charging a fee for LBC applications, on balance we do not consider it appropriate.

Charging risks disincentivising general custodianship, as well as deterring specific activities like climate change adaptation, in which affordability has already been highlighted as a principal issue.² Charging owners of listed buildings, both individuals

² BMG Research and Historic England (2022), Survey of Listed Building Owners and Occupiers [Accessed 08.08.2024] <https://historicengland.org.uk/research/current/social-and-economic-research/listed-building-owners-survey/#2022>



and businesses, for LBC risks being seen as punitive given that there is no 'opt-out', as well as adding additional cost burdens. Where works would require both planning permission and LBC, the introduction of an additional fee (for LBC) might be seen as an unfair double-charge for the same proposal. Additionally, there is evidence that some owners are already undertaking works without securing LBC. Charging would increase the likelihood of unauthorised works, which would risk harm to heritage as well as increase pressure on LPA enforcement teams.

We suggest that the only justification for charging LBC would be if a mechanism is delivered that secures the reinvestment of the additional financial benefits into providing an improved heritage planning resource, thereby enhancing the quality and speed of the service (as explained further in our response to question 96).

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?

We advise provision of a strategic direction as to how LPAs set their own planning fees at the local level, with the aim of establishing/encouraging a degree of consistency across adjoining LPA areas. For instance, neighbouring LPAs setting drastically different fees may encourage developers to focus on certain LPA areas over others. This could then frustrate strategic planning and a regional approach to delivering economic growth (i.e. result in deficits in some places and overdevelopment in others). This may also be reflected on a smaller scale where a regeneration area straddles two LPAs, with extreme fee variation encouraging master planning to focus development in the less expensive boundary areas, which could compromise strategic town planning and quality of place.

Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?

We agree that this is an area worthy of exploration to help address critical resource gaps in local planning services. Whilst all local planning service specialisms have been facing challenges, there has been a particular long-term reduction in conservation and archaeological resource. Our research notes a 57% decrease since 2009/2010 in LPA expenditure on heritage services within development management (e.g. decision-making and enforcement) and a 39% decrease in expenditure on heritage services in planning policy (including conservation area designation and appraisal).³ This is having serious impacts upon the speed of delivering development, and perception of the process, as well as staff retention and morale. Where there is a particular demand

³ Historic England (2023) *Heritage Counts: Heritage Indicator Data for Funding and Resources* [accessed 08.08.2024], <https://historicengland.org.uk/research/heritage-counts/indicator-data/funding-resources/>



for heritage services through planning applications, recovery beyond cost would be beneficial to maintain the broader resilience of the service. Again, we would highlight the value of a mechanism to be delivered that secures reinvestment of additional financial benefits into providing an improved heritage planning resource, thereby enhancing the quality and speed of the service.

Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?

More broadly, consideration also needs to be given, whether through planning fees or through other means, to the adequate resourcing of:

- Heritage and archaeological services, which are vital to ensuring environmental sustainability remains at the heart of the planning system (as set out in question 96 above).
- Plan and policymaking teams, to maximise the potential of the local plan in creating the right conditions for sustainable growth.
- Enforcement teams, which are critical to maintaining public confidence in the planning system and securing effective implementation of legislation and policy.

All play a role in the functioning of the planning system, in securing sustainable development, and in engaging and empowering local communities.

Historic Environment Records (HERs) are also of critical importance. HERs are essential in providing information relating to the historic environment and underpinning a digital planning system. In addition to their planning function, they also act as an important gateway in engaging local communities in the history of their surroundings. We strongly support Section 230 of the LURA, which proposes putting the provision of HERs on a statutory footing. Whilst most HERs do charge for some services (e.g. commercial searches) on a cost recovery basis, there is a need to secure their longer-term financial stability, and we hope that section 230 of the 2023 Act will be taken forward as soon as possible.

Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

LPAs play a key role in the development consent order (DCO) process, which often extends over numerous years (from pre-application stage to dealing with post-consent matters). LPAs (or county equivalents) provide archaeological input on a range of



issues, including advice on written schemes of investigation to de-risk sites, to monitoring and supporting community engagement.

It would therefore seem appropriate to ensure that LPAs are appropriately resourced to undertake their important role in the DCO process and that some form cost recovery is in place. This would help to timely delivery of nationally significant infrastructure projects, alongside improved outcomes.

Chapter 12 – The future of planning policy and plan making

Question 105: Do you have any other suggestions relating to the proposals in this chapter?

The government's growth agenda will be most effectively and efficiently delivered with the support of a well-considered planning framework and strong legislative basis which supports a plan-led approach. There are benefits and risks associated with re-establishing a **regional/sub-regional tier** of planning. This approach has been tested through the Greater London Authority's London Plan, and we would be pleased to discuss its pros and cons so that a best practice model can be established.

We strongly support the overall objective of councils having **up-to-date local plans**, to reinforce the benefits of the country's sophisticated planning system, and for the increased use of digital and interactive mechanisms to increase public engagement. We are consulted on every local plan and joint plan which comes forward and would be pleased to share our insights given our experience with how policies are evidenced, written, and tested at Examination in Public. We have considerable experience in advising local authorities on how to best deliver the growth they need, through site allocations and regeneration areas, in a sustainable way. This avoids heritage related issues arising further along in the planning process and ensures the historic environment plays a positive role is adding value to the quality of development

We believe that we have a role to play in helping develop the government's **New Towns** programme. The concept of New Towns is a well-established model for town planning, as expressed through settlements such as Letchworth, Harlow, Milton Keynes and Poundbury. We would be well positioned to support delivery of New Towns by advising on how they have been previously planned and delivered successfully.

Historic England strongly supports ambitions to **decarbonise the grid** and to plan for water security. We are already deeply involved in the NSIP process and we believe we have influenced NSIP developments positively to enable them to be delivered quickly. We are keen to continue evolving our approach and are actively looking at innovative ways to help support these critical developments.

We encourage the Government to bring forward the heritage related provisions within the **LURA** that are not yet enacted. In particular, we would draw your attention to:



- **Section 102 of the LURA**, which would ensure greater consistency and simplicity in the legislative framework for heritage protection by extending the duty to have special regard to all designated heritage assets, particularly in relation to World Heritage Sites (WHS). Having a consistent legislative duty for WHSs will help provide more certainty in the planning process as to how the impacts will be assessed. In turn, this will help us to fulfil our statutory obligations concerning world heritage more effectively. This could be achieved by enacting S102 of the LURA or through a new provision in the Planning and Infrastructure Bill.
- **Section 230 of the LURA**, which proposes putting the provision of Historic Environment Records (HERs) on a statutory footing. **(HERs)** can play a vital role in underpinning a more digitally enabled planning system, providing information relating to the historic environment. In addition to their planning function, they also act as an important gateway in engaging local communities in the history of their surroundings, with many undertaking proactive engagement work.

More could be done to encourage early engagement through **pre-application advice** services to avoid delays and resource intensive negotiations once applications have been submitted. This could be in the form of making pre-application advice mandatory for certain types of application, or as an eligibility requirement for appeal.

We recommend reviewing and rationalising **Permitted Development Rights**, in particular to prevent undermining wider spatial planning objectives relating to climate change and land uses.

It would be helpful if the introduction to the NPPF included a signpost to the **Planning Policy Guidance (PPG)**. This would provide improved clarity for readers and will help better situate the position of the PPG in relation to the NPPF. Making this reference in the introduction would provide a catch-all to prevent the need for repeated references throughout the body of the NPPF.

We would welcome the opportunity to discuss further revisions to the NPPF. One area of policy which has caused needless confusion is the **treatment of harm** and especially the distinction between “substantial harm” and “less than substantial harm” (NPPF, 206, 207, 208). In our view:

- it is right that the NPPF sets out two policies, one in respect of harm one in respect of substantial harm or total loss;
- the description of the former category of harm as “less than substantial harm” has been unfortunate, as it has led both to some decision-makers according less weight to the conservation of designated heritage assets than paragraph 206 requires, and some bodies straining to describe harm which should be classified as “less than substantial” as “substantial”, to attract (as they see it) adequate weight; and
- a simple rewording of the relevant paragraphs of the NPPF could remedy this problem by making the present policy position clearer, less subject to confusion



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and less liable to lengthy disagreement in planning discussions and at public enquiries.

Such a reworking could be accompanied by some clarification of the policy in respect of clear and convincing justification (NPPF, 206). We believe that simple changes to the way in which these policies are expressed would clarify them, and thereby contribute to both efficient decision-making and public confidence in the planning system.

Finally, we would reiterate that we are keen to support government with any future changes to planning policy, to ensure that the historic environment continues to play a vital role in providing housing for local communities and in contributing to economic regeneration and growth.

Historic England

Policy Department

24th September 2024