



Historic England

National Planning Policy Framework Consultation: Historic England Submission

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 Digital, 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 on the following points.

KEY POINTS

- The draft NPPF provides a long-anticipated opportunity to see the detail of the various proposals consulted on over recent months, and to assess their likely cumulative effect. Overall, there is much to be welcomed, notably the commitment to addressing housing delivery, the retention of the bulk of existing heritage policy, and the recognition of the importance of design.
- There are a number of areas where the draft text does not appear to implement the Government's stated objectives as intended, however, and it is crucial that these are addressed if the document's full potential is to be realised, and both development and protection delivered successfully.
- First amongst these is the change in the definition of sustainable development in favour of the economic objective, and, in consequence, an overall shift in the balance of policy to the detriment of the social and environmental objectives. From recent Government statements, this is believed to be unintentional, but, if this is not addressed (and it should be emphasised that minor wording changes should enable the broad thrust of policy to be retained without the current negative impact), the revised NPPF will have a profound negative impact on the wider environment, including the historic environment. The detailed points which, cumulatively, create this issue are addressed in full in the detailed response below (Chapter 2), but may be summarised as follows:
 - The removal of the core planning principles and loss of reference to the detailed NPPF policy text being part of the definition of sustainable development distances the detail of policy from the high-level principles, with the risk that the full implications of specific policies or proposals will not be fully appreciated in deliberations around sustainability.
 - The three 'objectives' of the planning system are no longer 'criteria against which every decision can or should be judged', and the requirement to seek economic, social and environmental gains 'jointly and simultaneously' has also been lost. The replacement text implies that the planning system (rather

- than just individual proposals) would be achieving sustainable development if substantial gains were to be achieved in respect of just one of the objectives.
- The presumption in favour of sustainable development is now articulated in terms that clearly weight the economic objective over the social and environmental, by requiring that objectively assessed needs are provided for ‘as a minimum’ (along with ‘any needs that cannot be met within neighbouring areas’). This is of particular concern given the lack of clarity as to how environmental capacity will be factored into the delivery of objectively assessed need.
 - The context within which the old ‘footnote 9’ provisions are applied has been weakened through the qualification of the restrictions on development.
 - The addition of reference to performance against the Housing Delivery Test to paragraph 75 effectively extends the application of the presumption in favour of sustainable development, and could mean that failure by developers to build out consents would result in the triggering of the presumption.
 - The environmental objective is qualified through reference to ‘including making effective use of land’: the detailed policy on making ‘effective’ use of land set out later in the draft NPPF does not always support the protection and enhancement of the historic environment.
 - A number of the specific policy references in support of housing development appear to function outside the policy set in the rest of the NPPF, for example in relation to size, location, and Green Belt.
- A further area of concern relates to the changes to the detail of heritage policy. In recent years, Government has repeatedly advised that there is no intention to weaken heritage protections, but (even without the concerns above regarding the shift in policy weighting), that will be the result of the revised NPPF as currently drafted. Particular issues here include the following (and, again, these are discussed in more detail below, under Chapter 16 and the Glossary):
 - Changes in respect of archaeology: the reference to non-designated assets of national importance has been moved to a footnote, and part of the definition of archaeological interest has been deleted.
 - Loss of clarity regarding heritage assets of the highest significance
 - A weakening of the references to heritage being irreplaceable
 - Loss of the definition of the historic environment
 - Loss of the reference to ‘optimum viable use’ from the heritage chapter
 - A weakening of the reference to harm or loss requiring clear and convincing justification
 - Loss of detailed references to heritage considerations outside the heritage chapter
 - Historic England supports the Government’s view that improving design quality is an essential part of addressing the housing challenge, but, as drafted, the NPPF will not have the desired effect. Design policy is given prominence, but looks to be being applied at too high a level to meaningfully acknowledge the fine grain of local character, and thus to support effective and successful place-making. The linkages between design and heritage policy are incomplete, and the lack of reference to context in the emphasis on higher densities will also have an adverse impact on the historic and wider environment.

- Historic England remains very concerned about the proposals for upwards extensions (for all the reasons previously articulated), and particularly the proposed permitted development right.
- There remains a lack of clarity as to the scope and application of the ‘planning freedoms’ provision introduced by the Housing and Planning Act 2016, and touched on in Annex 1.
- There is also a general lack of clarity regarding the definition of ‘environment’, environmental gains, etc. which needs to be addressed.
- Historic England takes the view that current NPPF policy is well-balanced overall, giving appropriate weight to heritage, and is effective if applied properly. Recent Historic England research has demonstrated that the application of policy is far from optimal, however, and the changes outlined above – and particularly the shift in the overall weighting of policy – suggest that heritage policy will be less effective itself, and less well applied by local planning authorities. The result will be harm to the historic environment, and also the opportunity cost occasioned by the failure to recognise the potential for the historic environment to support good planning.

CHAPTER 1 INTRODUCTION

Q1 Do you have any comments on the text of Chapter 1?

- With regard to the statement in para. 6 that ‘[o]ther statements of government policy may be material when preparing plans or deciding applications’, the status of endorsed recommendations could usefully be clarified further, either in the NPPF or in the Planning Practice Guidance (PPG), with particular reference to their relationship to National Policy Statements, and their relative weight.
- The *National Infrastructure Commission: Response to the Consultation (Cm 9289)* referred to the potential for a duty to ‘have regard’ to endorsed recommendations, and the creation of a ‘transparent system for taking forward the commission’s recommendations’. The duty has not materialised, but the need for transparency remains.
- The *National Infrastructure Commission Framework Document* (January 2017) explains the background to endorsed recommendations (i.e., where the government is responsible for delivering endorsed recommendations, the government’s endorsement will be a statement of government policy). It also states that, ‘[w]here recommendations have wider implications for the planning regimes, the government will highlight any further steps needed to confirm the endorsed recommendation as planning policy’, and it would be particularly helpful if this aspect could be addressed in the NPPF or PPG.

CHAPTER 2 ACHIEVING SUSTAINABLE DEVELOPMENT

Q2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

- **Historic England is very concerned at the changes in respect of sustainable development. The draft NPPF significantly alters the weighting to be given to policy within the NPPF: whilst heritage policy remains largely unchanged**

in itself, its relative status is much reduced in the draft NPPF, which would have the effect of undermining the current balance of objectives, the delivery of sustainable development, and the protection of heritage. Existing Government commitments to the historic environment and sustainable development suggest that this is not the intention, but, without changes, harm to heritage will be the result of the changes currently proposed.

- Overall, the definition of sustainable development is less clear as a result of the proposed changes. Taken alongside the removal of the core planning principles (see response to Q3, below), the loss of reference to the detailed NPPF policy text being part of the definition of sustainable development (old para. 6) further distances the detail from the high-level principles, with the risk that the full implications of specific policies or proposals will not be fully appreciated in deliberations around sustainability.
- This is compounded by the new confirmation that the three objectives are not themselves ‘criteria against which every decision can or should be judged’, and by the loss of the requirements that ‘these roles should not be undertaken in isolation, because they are mutually dependent’, and ‘to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system’ (old para. 8).
- With regard to the latter, the new statement that the objectives ‘are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across the different objectives)’ actually removes the previous parity, and suggests that the planning system (rather than just individual proposals) would be achieving sustainable development if substantial gains were to be achieved in respect of just one of the objectives: this is a significant change in approach, and is not to be welcomed (the ‘net gains’ phrase previously appeared in old para. 152, but was accompanied there by a further reference to LPAs seeking ‘opportunities to achieve each of the economic, social and environmental dimensions of sustainable development’, and much more positive text on the avoidance or mitigation of impacts). In this context, the loss of the reference to the pursuit of sustainable development involving seeking positive improvements in the quality of the built, natural and historic environment is particularly to be regretted – and is contrary to the ambition of the 25 Year Environment Plan.
- The draft NPPF’s unevenness in respect of the sustainable development objectives is further apparent in para. 11, where the presumption in favour of sustainable development is now articulated in terms that clearly weight the economic objective over the social and environmental, by requiring that objectively assessed needs are provided for ‘as a minimum’ (along with ‘any needs that cannot be met within neighbouring areas’). This is of particular concern given the lack of clarity as to how environmental capacity will be factored into the delivery of objectively assessed need.
- Still within para. 11, the retention of the old footnote 9 provisions is welcomed (along with the additions to the footnote, as noted above), but the context in which these provisions are to be applied has been weakened:
 - The list is no longer illustrative, but definitive.
 - Under plan-making, the general reference to specific policies indicating that development should be restricted qualifies the type of restrictions envisaged, and requires a ‘strong’ reason.

- The same is true under decision-taking, with the slight difference that the reason required must now be ‘clear’.
- The addition of the reference to performance against the Housing Delivery Test to para. 75 (the old para. 49) effectively extends the application of para. 11d, and could mean that failure by developers to build out consents would result in the triggering of para. 11.
- In para. 8b, the addition of reference to open spaces is welcomed. The removal of reference to ‘creating a high quality built environment’, and its replacement with ‘well-designed’, would however appear to imply a lower overall standard, which may result in unintended consequences for the historic environment. The ‘high quality’ element is more likely to make a positive contribution to local character and distinctiveness than something which is well-designed.
- In para. 8c, the retention of reference to ‘protecting and enhancing our natural, built and historic environment’ is welcomed. The subsequent reference to ‘including making effective use of land’ is however a source of some concern, and reads as a caveat to an otherwise important objective: whilst superficially consistent with the preceding text, effective use of land is something different to the efficient use of land (described as ‘prudent’ in the current NPPF), and the actual policy on making effective use of land set out later in the draft NPPF does not always support the protection and enhancement of the natural, built and historic environment (see comments on Chapter 11).
- In para. 9, the recognition of the need for sustainable planning policies and decisions to take account of the character of each area is to be welcomed.
- The retention of designated heritage assets in the list of policies referred to in para. 11 is welcomed, as is the addition of reference to ‘irreplaceable habitats including ancient woodland; aged or veteran trees’, and to ‘other heritage assets of archaeological interest referred to in footnote 55’ (though see later comments under Q36 in relation to the status of footnote 55 itself).

Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

- The retention of the majority of the core planning principles text within the relevant sections of the draft NPPF is itself to be welcomed, but the loss of a clearly collated summary of planning objectives at the beginning of the NPPF is to be regretted. The core planning principles currently provide a valuable overview of the full range of the Government’s planning policy intentions and priorities, and could usefully be reinstated.
- A particular omission which should also be reinstated within the NPPF is the reference to taking account of the ‘different roles and character of different areas, promoting the vitality of our main urban areas’, as this would support the successful integration of heritage and design policy.

Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

- The retention of the reference at para. 12 (albeit slightly altered) to the primacy of the development plan is welcomed.

CHAPTER 3 PLAN-MAKING

Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

- The addition of statutory consultees to the list of bodies to engage with in an 'early, proportionate and meaningful' way is welcomed (para. 16). A parallel reference could usefully be added to para. 27.
- Within the list of strategic policy areas (para. 20), the retention of reference to policies to conserve and enhance the natural, built and historic environment is also very much to be welcomed, as is the addition of reference to green infrastructure, and the retention of reference to landscape (Historic England has completed and made available national coverage in historic landscape characterisation, which should support the implementation of this policy).
- The reference at para. 24 to plans meeting identified needs 'as a minimum' is a source of concern (as also noted in response to Q2, above), as is the reference to needs being met 'more appropriately through other mechanisms, such as brownfield registers or local policies'. Strategic priorities should be addressed through the development plan, itself prepared with appropriate consideration of all necessary matters, including the historic environment: brownfield registers are not prepared with sufficiently robust scrutiny and evidence requirements, and do not replace development plans in this regard (this issue is addressed more successfully in para. 21).
- It is not clear from the draft NPPF or the draft PPG exactly how statements of common ground and the duty to cooperate will be effectively coordinated and assessed in respect of statutory consultees. *Planning for the Right Homes in the Right Places* stated that 'statutory consultees will continue to play an essential part in the plan-making process through the duty to cooperate', and that early engagement is expected between all parties: the draft NPPF confirms this expectation. *Planning for the Right Homes in the Right Places* also stated that the statement of common ground will encourage this early engagement, and also be the primary evidence of compliance with the duty to cooperate.
- In addressing the need for joint working between LPAs, the draft NPPF fails to acknowledge one of the important reasons for authorities not being able to meet development requirements wholly within their own areas, namely 'a lack of physical capacity' (old para. 179): the issue of environmental capacity needs addressing in the NPPF (rather than in passing in the draft PPG, as at present), to provide clarity on how the historic environment and other matters are to be taken into account in planning for the delivery of housing to meet identified need.
- The promotion of policies which set design principles at the local level is to be welcomed (para. 30), as such policies are better able to address local distinctiveness (including the qualities and contribution of the historic environment).

Q6 Do you have any other comments on the text of Chapter 3?

- Para. 16 does not bring forward the reference from old para. 154 to plans addressing 'the spatial implications of economic, social and environmental

change': whilst there is much reference to needs, this explicit spatial dimension remains important, and should be reinstated.

- A number of references have been lost from the old para. 157, relating to limiting the freedom to change the uses of buildings, and identifying land where development would be inappropriate, for instance because of its environmental or historic significance. These could usefully be reinstated, in part because of their direct relevance to historic environment conservation, and in part because of their importance in determining the environmental capacity of an area.
- The detailed references to topic-based evidence (former paragraphs 169-170) have been moved to the PPG. Their overall retention is welcomed, but the justification for the shift from policy to guidance is unclear: a better approach would be to retain the high-level references to evidence in policy, and then explore in more detail the form that that evidence should take within the PPG. Gathering the relevant evidence, and applying it properly to the formulation of policy and strategy, will be even more important as a result of the new requirement to identify 'an' appropriate strategy (rather than 'the most appropriate'), as well as the requirement for the tests of soundness to be applied to local policies in a 'proportionate way' (para. 37): the process should not be downplayed by being removed from national policy. It has also been Historic England's experience that evidence gathering and application is a particular weakness in draft plans, with associated impacts on soundness: an apparent downgrading of the text on the historic environment evidence base will not help to address this situation.
- Whilst the clarification at para. 32 regarding the relationship between local and neighbourhood plans is welcomed, it might be helpful to have a separate section addressing neighbourhood plans, particularly as they are not subject to the same level of scrutiny and preparation as local plans (see paras. 13, 14 and 32 and footnote 16).
- The loss of the allocations text from old para. 157 is also to be regretted ('Local Plans should ... allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate'): this currently allows the identification of any historic environment issues to inform the design, scale and quantum of proposed development, so avoiding any potential harm to the significance of individual heritage assets.

CHAPTER 4 DECISION-MAKING

Q8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

- Yes, in relation to heritage cases, where up-to-date and precise knowledge is particularly helpful in ensuring that development proceeds as intended and heritage assets are not left vulnerable. Such information is of course essential in enabling development cases.

Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

- Given some of the practical difficulties associated with review mechanisms, they should not be mandatory. Detailed guidance would be needed on how to undertake such reviews.

Q10 Do you have any comments on the text of Chapter 4?

- The inclusion in para. 41 of reference to statutory consultees is welcomed.
- The reference in para. 48 to decisions on applications being made ‘as quickly as possible’ suggests an unwelcome emphasis on speed rather than quality. The wording in old para. 186 strikes a better balance, and should be reinstated: ‘The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground’.
- Para. 56 suggests unnecessary further restrictions on pre-commencement conditions: as noted earlier in the paragraph, all conditions should only be imposed where necessary, relevant to planning, etc.
- With regard to the draft Planning Practice Guidance on viability:
 - *How should viability be assessed in plan making?* The text could usefully flag that any viability assessment can only offer a ‘snapshot in time’ of current market conditions. The reference to plans being informed by an assessment of viability that takes into account all relevant policies is noted, but a particular reference to heritage policy would be welcomed.
 - *Should every site be assessed for viability in plan making?* Historic England would be concerned about an approach to typologies that was too broad to enable consideration of heritage issues. This could be avoided by the inclusion of a reference at the end of the first paragraph, such as ‘It is important to ensure that any heritage assets affected by the site allocation are identified and any effects on viability considered’.
 - *How should site promoters engage in viability assessment in plan making?* Historic England strongly supports the text making clear that the price paid for land is not a relevant justification for failing to conform with plan policies.
 - *Should viability be assessed in decision making?* The proposal for no viability assessment to be required to accompany an application where development accords with relevant policies in an up to date local plan is noted, but it would be helpful to make provision here for consideration of relevant issues at this stage, such as archaeological remains that come to light during the process.
 - *How can review mechanisms be used to amend developer contributions during the lifetime of a project?* The paragraph on the potential risk to developers is unclear and potentially contradicts other parts of the document. Suggested amendments to address these concerns are as follows: ‘As the potential risk to developers is already accounted for in the assumptions for developer return in viability, **any** realisation of risk **in the form of increased costs** does not necessitate further viability assessment or trigger a review mechanism.’
 - *How should gross development value be defined for the purpose of viability assessment?* Projects involving heritage assets may involve challenges and

potentially costs in comparison to similar schemes. An appropriate reference to the importance of being aware of this potential would be helpful.

- *How should costs be defined for the purposes of viability assessment?*
Building Cost Information Service data does not include or refer to historic buildings, and there is also no reference to archaeology in this section of the draft text. Additional text is suggested to ensure appropriate consideration of heritage issues: ‘Costs associated with the assessment, mitigation and/or the refurbishment of heritage assets should be taken into account when defining benchmark land value’.
- *How should land value be defined for the purposes of viability assessment?*
The reference to a ‘rational landowner’ in relation to a minimum selling price is unhelpful as it introduces a hypothetical element to the decision and as such is likely to lead to a focus on the ‘hope value’ of land, contrary to what the text is aiming to achieve. The inclusion of a further bullet point is recommended, to better reflect potential heritage considerations: ‘fully reflect all relevant planning constraints, for example if the building in question is listed’.
- *How should Existing Use Value be established for viability assessment?*
Defining EUV is often difficult, given the number of variables involved, and this is often exacerbated in the case of listed buildings due to a lack of comparators. A further sentence is suggested for the end of the first paragraph: ‘Sites involving heritage assets are more susceptible to hope value and will require careful consideration in establishing a correct EUV’.
- *How should a return to developers be defined for the purpose of viability assessment?* Although its application is qualified, specifying a 20% return figure is unhelpful in terms of setting expectations. Margins vary depending on the state of the market, competition for the site, other competing sites, and so on, and there should be no predetermined return. The logic behind referring to Gross Development Value (rather than Gross Development Costs as per usual industry practice) is not clear, and has potentially significant effects. Clarity would be welcomed on this issue. The text would be strengthened by including reference to potential geographic variations to the rate of return: land values vary greatly around the country.
- *Should a viability assessment be publicly available?* This text is supported. It will be important that any template being prepared in this regard is shared with stakeholders at the earliest opportunity.
- *How should local authorities and applicants promote the benefits of development to communities?* The suggestion of on-site signage is unnecessary and could simply lead to the creation of further street clutter, contrary to wider design (and heritage) objectives.

CHAPTER 5 DELIVERING A WIDE CHOICE OF HIGH QUALITY HOMES

Q14 Do you have any other comments on the text of Chapter 5?

- The reference to land with permission being developed without unnecessary delay (para. 60) is to be welcomed, as is the proposal that LPAs should consider imposing a planning condition expediting commencement, and assess why earlier grants of planning permission for major development on the same site did not start (para. 78).

- As noted in response to Q2, clarity is needed within policy as to how environmental capacity will be factored into the delivery of objectively assessed need, rather than merely touched on in passing in the draft PPG, as at present. Clarity is also needed on how constraints are to be taken into account, and might justify delivery of lower overall levels of development in particular areas. Within this, explicit confirmation is needed within the text that the historic environment is covered under the term 'environmental designations' (page 25, draft PPG).
- Para. 64 refers to supporting the re-use of brownfield land through affordable housing contribution reductions where vacant buildings are being reused or redeveloped: this is to be welcomed. The subsequent caveat in footnote 22 is not supported, however, as this could prejudice the re-use of historic buildings, with implications for both housing delivery and the conservation of important heritage assets.
- The reference in para. 69 to 'area-wide design assessments' to help bring small sites forward suggests a lack of sensitivity to local distinctiveness and character which would not support an appropriate quality of new development.
- The retention of reference to policies to resist inappropriate development of residential gardens is to be welcomed (para. 71).
- The policy for 'entry level exception sites, suitable for first time buyers' set out at para. 72 promotes potentially significant development on land 'outside existing settlements' (only a 'high proportion' of which will actually be entry-level homes), but makes no direct reference to existing settlement patterns, impact on character, and so on (though the reference to the protection of assets of particular importance and local design policies is noted, these are not sufficient): this policy appears to sidestep the usual considerations for such a type and scale of development, and needs further consideration.
- Similar concerns are raised by the revised policy at para. 73, which goes further than old para. 52 in its reference to 'large numbers' of new homes, 'often' being best achieved through planning for large developments, through 'significant extensions' which represent 'a' sustainable way to meet needs (rather than the 'best' way). Urban extensions may well be appropriate, but should be determined carefully in light of local circumstances and not prioritised as currently proposed. The loss of reference to Garden City principles is also to be regretted, as is the inclusion of the suggestion (here and elsewhere in the draft NPPF) that infrastructure investment should itself prompt housing allocations. As noted elsewhere in this response, the intended scope of 'net environmental gains' needs to be clarified.
- As noted in response to Q2, the addition of the reference to performance against the Housing Delivery Test to para. 75 (the old para. 49) effectively extends the application of para. 11d, and could mean that failure by developers to build out consents would result in the triggering of para. 11.
- In para. 81, the retention of the existing reference to heritage assets is itself to be welcomed, but the opportunity to clarify the relationship to the enabling development policy at para. 198 has been missed (i.e., that the policy at para. 81 is secondary to that at para. 198, and describes a scenario that has stemmed from the correct application of para. 198). The retention of reference to reuse of buildings is also welcomed, as is the reference to designs of exceptional quality justifying isolated homes in the countryside (which may of course become the heritage of the future).

CHAPTER 6 BUILDING A STRONG, COMPETITIVE ECONOMY

Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

- Greater clarity is needed around the regard to be had to 'Local Industrial Strategies and other local policies for economic development and regeneration' in formulating the 'clear economic vision and strategy' in plans (para. 83), particularly in relation to their weight and the transparency and accountability of their preparation.
- The new text at para. 85 relating to the accommodation of local business and community needs in rural areas outside existing settlements runs counter to sustainable development as understood in the current NPPF, but does underline the shift in emphasis towards economic objectives that is apparent in the remainder of the draft NPPF.

Q16 Do you have any other comments on the text of chapter 6?

- While welcoming the retention of the encouragement to address a poor environment as a potential barrier to investment, the loss of reference to the links between environmental quality (and proactive enhancement) and investment is to be regretted (old para. 21, new para. 83), and should be reinstated.
- The addition of reference to open space as one of the local facilities to be retained and developed in rural areas (para. 84/old para. 21) is to be welcomed.
- In para 84, the statement that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside is welcomed; similarly welcomed is the importance attached in para. 85 to ensuring that business and community needs development outside existing rural settlements is sensitive to its surroundings.

CHAPTER 7 ENSURING THE VITALITY OF TOWN CENTRES

Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

- Yes: the increased emphasis on town centre and edge-of-centre sites is very much to be welcomed, as is the more positive approach to dealing with declining town centres.

Q18 Do you have any other comments on the text of Chapter 7?

- The recognition in para. 86a that the growth and change of town centres should reflect their distinctive characters is to be welcomed.

CHAPTER 8 PROMOTING HEALTHY AND SAFE COMMUNITIES

Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

- An amendment is proposed to para. 94, as follows: ‘Local planning authorities should use their planning powers to help deliver estate regeneration to a high **design standards that respect existing character**’.

Q20 Do you have any other comments on the text of Chapter 8?

- The new references to green infrastructure and open space are welcomed (paras. 92, 93, and 97), as is the retention of the historic significance criterion for Local Green Space (para. 101).

CHAPTER 9 PROMOTING SUSTAINABLE TRANSPORT

Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

- Paras. 103b and 105 are further examples of the suggestion throughout the draft NPPF that infrastructure investment should drive the planning process: this does not represent the delivery of planned, sustainable development that meets identified needs in the right locations, and contradicts the statement at para. 104 that the planning system should actively manage patterns of growth in support of these objectives.
- Greater clarity is needed in para. 103d as to what is intended by the references to environmental impacts and net gains in environmental quality (with particular reference to the historic environment), and how these are to be assessed.
- The references in para. 103e to patterns of movement, streets, parking and other transport considerations being integral to the design of schemes, and contributors to making high quality places, are to be welcomed.
- The references in para. 110 to the avoidance of unnecessary street clutter, and the need to respond to local character and design standards, are also to be welcomed.

CHAPTER 10 SUPPORTING HIGH QUALITY COMMUNICATIONS

Q24 Do you have any comments on the text of Chapter 10?

- In para. 112, the loss of the reference from the old para. 42 to enhancing the provision of local community facilities and services is not wholly consistent with current initiatives to support rural access to telecommunications infrastructure (e.g. the *Joint Accord on Use of Church Land and Buildings to Support Digital Connectivity*), and, indeed, the remainder of this section.
- The retention of the reference to minimising the number of masts is welcomed, as is the reference to sympathetically designed and camouflaged new equipment (para. 113).

CHAPTER 11 MAKING EFFECTIVE USE OF LAND

Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

- The footnote which clarifies the intended application of para. 117's reference to making 'as much use as possible of previously-developed land' could usefully be moved to the main text, to ensure that the promotion of necessary development takes appropriate account of wider issues (including the conservation of the historic environment, and making use of redevelopment opportunities that respect the contributions of historic character to places' distinctiveness).
- It is not currently clear whether the reference in para. 118a to encouraging 'multiple benefits from both urban and rural land' is intended to refer to appropriate rural uses, or to development. In the context of the rest of the paragraph, and also para. 85, the latter appears more likely. If this is the case, then it represents a significant shift in policy which is not supported. Either way, the reference needs clarifying. Also in need of clarification, as already noted, is the intended scope of 'net environmental gains', and how far that is intended to include the historic environment: historic environment gains should be added to the list of examples to underline this.
- Para. 118b should also include reference to the function of some undeveloped land as setting to a heritage asset (or indeed as a heritage asset itself), and as part of the character of places.
- With regard to the concerns articulated about para. 123 (see Q26, below), the reference in para. 118c to substantial weight being given to the value of using suitable brownfield land within settlements for homes would benefit from further text on the importance of respecting character, heritage assets, and so on.
- The reference at 118d to promoting and supporting the development of under-utilised land and buildings is welcomed in principle, subject to the wider issues around respecting context and the conservation of the historic environment which have already been referred to. The reference in the related footnote to identifying and bringing back into residential use empty homes and other buildings is particularly supported, as, done correctly, this provides an excellent opportunity to support both housing delivery and the conservation of historic buildings.
- Historic England remains very concerned about the reference in para. 118e to using the airspace above existing residential and commercial premises for new homes. Of particular concern is the reference to allowing 'upward extensions', and the further suggestion of a new permitted development right for upwards extensions. The issues raised by such a proposal are articulated in full in Historic England's [response](#) to the DCLG and Mayor of London Consultation on upward extensions in London, but, in summary, the concern is that the benefit (which will be primarily extra rooms for existing homes rather than additional homes) is far from outweighing the negative impacts on the historic environment specifically, and the character of the built environment more generally. Whilst safe access and egress are of course essential, this would also be in the form of external staircases in most circumstances, adding further to the impact on character. If upwards extensions are to be considered at all, it should be through the development and application of local policy, itself based on a careful assessment

of the needs and characteristics of particular areas, with particular reference to heritage assets (and their setting) and the statutory duties relating to listed buildings and conservation areas.

- The review of allocations suggested in para. 120 is supported in principle, although the timescale in which a 'reasonable prospect' of applications coming forward is determined should be added to policy. The text from the old para. 22 needs to be reinstated to ensure the appropriate consideration of wider issues: 'applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'.
- The related policy in para. 121 further risks undermining the character and function of areas (as well as the plan-led system), through unplanned and potentially significant changes to the uses in existence. Housing demand is different to housing need, and demand for housing at the expense of existing retail and employment uses should be more carefully addressed in policy. It is important that the considered planning of an area is not undermined by an over-emphasis on housing, and that all local needs continue to be met through an appropriately balanced mix of uses. Large tranches of single use development may destroy the character of historic areas (particularly conservation areas), and are unhelpful in respect of wider sustainability objectives (with regard to the economy, and also to issues such as commuting pressures). This proposed policy should be considered in the context of the on-going permitted development rights for office to residential conversion, and the way in which heritage issues will be taken into account will also need careful consideration, including the reuse of heritage assets and the conservation of industrial heritage (noting the historic environment's support of the economy, and particularly productivity). If the broad thrust of the policy is retained, reference is needed to the viability of villages and other areas, in addition to town centres.

Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

- No. Minimum densities are themselves supported in principle, and, indeed, have previously been a feature of national planning policy on housing: *PPS3: Housing* set out a national indicative minimum of 30 dwellings per hectare, and further advised LPAs to 'set out a range of densities across the plan area rather than one broad density range'. But the draft policy does not contain the necessary nuances and detail for successful implementation.
- Para. 123 of the draft NPPF reflects the PPS3 approach to some degree, by suggesting that minimum standards should be set for 'city and town centres and other locations that are well served by public transport', and 'also ... considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range'. Higher densities in accessible areas are certainly to be supported in principle, not least as more intensive use of central urban environments has a role in preventing urban sprawl.
- Locations which are accessible by public transport often coincide with historic places, however, and para. 123 does not then address how 'potential' should be assessed, nor touch on important considerations such as the character of the

area. Of particular concern in this context is the suggested requirement for LPAs to seek a 'significant uplift in the average density of residential development within [accessible] areas, unless it can be shown that there are strong reasons why this would be inappropriate'. This is too blunt an instrument to deliver the Government's objectives effectively: a 'significant' uplift may not be appropriate in particular circumstances, and this requirement should be reframed. The test of whether or not higher densities are suitable in particular conditions should also not be so negatively phrased: the test should not be that a significant change is inappropriate, but that every effort has been made to determine what an area can reasonably accommodate, with reference to significance, character, accessibility, and so on.

- PPS3 addressed this issue much more appropriately:
Good design is fundamental to using land efficiently. Local Planning Authorities should facilitate good design by identifying the distinctive features that define the character of a particular local area. Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area.
- Para. 123 needs to be amended along the lines of PPS3, to ensure that historic character – and other aspects of the historic environment – are suitably considered when minimum density standards are proposed in an area, and high quality *places* created, rather than just 'housing'. 'Optimal' use needs to be carefully defined, as relating not solely to density, but also to the quality of the resulting place, and to the opportunities taken to promote other policy objectives, such as conservation of the historic environment, healthy communities, and so on. As PPS3 noted, the historic environment is not incompatible with development: 'in Conservation Areas and other local areas of special character ... if proper attention is paid to achieving good design, new development opportunities can be taken without adverse impacts on their character and appearance'. This is particularly important in light of the further references in paras. 126c and 136 to increased densities.
- A further concern raised by para. 123 is the requirement at c) that LPAs should 'take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site'. Even with the caveat in the footnote that the resulting scheme should still 'provide acceptable living standards', this still appears to contradict policy elsewhere in the draft NPPF regarding healthy, inclusive and safe places (para. 92), safe and healthy living conditions (para. 117), and the design policies of Section 12. Again, this was better addressed in PPS3: '[s]uccessful intensification need not mean high rise development or low quality accommodation with inappropriate space'.

Q27 Do you have any other comments on the text of Chapter 11?

- The reference in para. 122 to the desirability of maintaining an area's prevailing character (including residential gardens) when considering development that makes efficient use of land is to be welcomed in itself, but the policy needs rephrasing: the current caveat (which puts the maintenance of an area's prevailing character in direct opposition to the promotion of regeneration and change) is unclear, and risks completely undermining this policy intention.

- The reference in para. 122 to securing ‘well-designed, attractive places’ is to be welcomed, but is undermined by the policy in the remainder of the section, and particularly at para. 123.

CHAPTER 12 ACHIEVING WELL-DESIGNED PLACES

Q28 Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

- All comments on Chapter 12 are made under Q29.

Q29 Do you have any other comments on the text of Chapter 12?

- Given the emphasis intended to be applied to good design in the draft NPPF, the loss of the reference from the old para. 56 to good design being indivisible from good planning is surprising: this could usefully be reinstated.
- The emphasis on design in para. 124 is welcomed, but clarity is needed as to the geographical scales at which design visions and expectations are expected to be defined. The reference to this being in plans ‘at the most appropriate level’ suggests a distinction is being made between strategic, local and neighbourhood plans, rather than encouraging the identification of areas of particular character. The later reference to design policies being ‘grounded in an understanding and evaluation of each area’s defining characteristics’ is generally welcome but has a similar ambiguity. Clarification is all the more important in light of the suggested use of design guides and codes (para. 125): a district-wide design guide would lack the detail to provide an appropriately nuanced understanding of local distinctiveness, and could not be the basis of the policy outlined in para. 129, namely that ‘permission should be refused for development of poor design ... taking into account any local design standards’.
- Para. 128 indicates some appropriate tools and processes for assessing and improving the design of development, but omits reference to landscape and historic landscape character assessment (referred to only in the PPG), which are increasingly applied at fine-grained scales to understand the defining characteristics of areas. Even in the PPG, there is little guidance on available evidence for determining those defining characteristics at various levels, yet the policies here are predicated on having recourse to such evidence: there is a real risk that their implementation will be poorly founded and inconsistent.
- In the references to the importance of a strong sense of place in para. 126, the addition of ‘maintain’ is welcomed (para. 126d), as well as the reference to amenity (para. 126f). The retention of the reference to responding to local character and history is particularly important to the interpretation and application of policy in this and other sections, and is also welcomed.
- In a similar vein, the lost reference from the old para. 60 to architectural styles and tastes could usefully be reinstated, along with the phrasing around local distinctiveness: paras. 125 and 126d refer to ‘creating distinctive places’ and ‘attractive and distinctive places’, but old para. 60 refers much more positively to seeking to ‘promote or reinforce local distinctiveness’.
- The draft NPPF also omits the reference from old para. 61 to the ‘connections between people and places and integration of new development into the natural,

built and historic environment': this is an important element of high quality design and place-making, and also needs reinstating.

- Para. 130 is not phrased as clearly as it might be. It permits a scenario in which support is given to innovative designs which 'promote high levels of sustainability' (itself an unhelpfully ambiguous phrase), but which are not themselves of a high standard of design, as long as they are sensitive to the overall form and layout of their surroundings. This runs counter to the rest of the policy in this chapter, and is presumably not what was intended – particularly as 'great weight' is to be given to such proposals. It seems to be an unsuccessful reinterpretation of old para. 65, which supported 'buildings or infrastructure which promote high levels of sustainability' where any concerns about incompatibility with context were 'mitigated by good design' (and included a welcome caveat in respect of designated heritage assets).
- The draft NPPF's stance on advertisements is noticeably different. The reference to the impact on the quality and character of places is welcomed, but not the omission of the reference from the old para. 67 to 'only those advertisements which will clearly have an appreciable impact on a building or on their surroundings' being subject to the local planning authority's detailed assessment. The deletion of old para. 68 on Areas of Special Control is also noted: some reference to the extent of advertisement-related powers is needed to support the effective implementation of policy, but this could be via the PPG (not yet seen) rather than the NPPF.

CHAPTER 13 PROTECTING THE GREEN BELT

Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

- The addition of burial grounds and allotments to the list of development which is not inappropriate in the Green Belt is noted (para. 144b), as is the identification of cemeteries and burial grounds as not inappropriate where they preserve the openness of the Green Belt (para. 145e).
- Confirmation is needed that the changes to existing policy in para. 144f (the inclusion of rural exception sites) are not intended to apply to the new 'entry level exception sites', as this does not comply with the 'limited' provision in this exception, and could have a significant impact on Green Belt purposes.
- The extension of the limited infilling provision (the addition to existing policy of the final bullet point in para. 144g) is largely unnecessary, as affordable housing development is already permitted under existing policy (the remainder of para. 144g, as well as 144f). The only difference in relation to this affordable housing provision is that the impact on the openness of the Green Belt can be greater (as long as it does not cause 'substantial harm'). Given the wider changes in affordable housing policy, and the degree to which this change runs counter to Green Belt policy generally, it cannot be supported.

Q31 Do you have any other comments on the text of Chapter 13?

- The retention of the Green Belt purpose relating to the preservation of the setting and special character of historic towns is welcomed (para. 133).

- It is right to retain the requirement for exceptional circumstances to exist for changes to Green Belt boundaries to be justified (para. 136). The way that these are now defined, though, raises some concerns:
 - a) Historic England's concerns at the reference to making 'as much use as possible' of suitable brownfield sites and underutilised land are articulated in relation to paras. 117-121, above (Q25), in relation to the balance of uses, and the impact on the wider context (and particularly the historic environment).
 - b) Similarly, Historic England's concerns about optimising the density of development are articulated in relation to paras. 122-123, above (Q26): character – and the historic environment – need to be suitably considered when minimum density standards are proposed in an area.
- Para. 137 suggests that plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land (environmental quality not itself being defined). It is important that the prospect of compensatory improvements does not itself inform decisions on such releases. Historic England would also like to see an acknowledgement in policy that the loss of Green Belt sites to development which are important to the setting and special character of towns cannot be mitigated through the improvement of remaining elements of that Green Belt.

<p>CHAPTER 14 MEETING THE CHALLENGE OF CLIMATE CHANGE, FLOODING AND COASTAL CHANGE</p>

Q32 Do you have any comments on the text of Chapter 14?

- The retention in para. 147 of the reference to the conversion of existing buildings (old para. 17) is welcomed.
- The addition of reference to landscapes and biodiversity to para. 148 is also welcomed. Further reference in this paragraph to the consideration of context would ensure that the 'appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts' were both technically suitable and designed in such a way as to maintain the quality of the wider environment.
- Para. 149 omits the reference from the old para. 95 to 'actively support[ing] energy efficiency improvements to existing buildings'. Historic England has produced helpful advice on how this can best be achieved in relation to historic buildings (which, incidentally, are recognised in the UK Climate Change Risk Assessment and National Adaptation Plan as already being better able to cope with the risk of overheating).
- In para. 164, the statement that 'Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries' is not consistent with the stated commitment in the UK Marine Policy Statement 2011 (para. 1.3.5), to ensure 'that coastal areas, and the activities taking place within them, are managed in an integrated and holistic way in line with the principles of Integrated Coastal Zone Management (ICZM)'. This has considerable relevance to the management of the historic environment, which extends seamlessly from coastal land, across the inter-tidal to fully marine areas.

CHAPTER 15 CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

- All comments on Chapter 15 are made under Q35.

Q35 Do you have any other comments on the text of Chapter 15?

- In para. 168 (old para. 109), the addition of the following references is welcomed:
 - Recognition of the intrinsic character and beauty of the countryside, and the wider benefits from natural capital – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland (para. 168b)
 - Maintenance of the character of the undeveloped coast (para. 168c).
 - Development should, wherever possible, help to improve local environmental conditions such as air quality (para. 168e).
- The general references to ‘environment’ in this chapter (e.g. para. 169) reinforce the need (highlighted elsewhere in this response) for clarity as to when the historic and natural environments are intended, and when just the natural environment.
- Para. 169 omits reference to minimising pollution and other adverse effects on the local and natural environment (old para. 110). It also relegates important reference to the use of agricultural land for development to a footnote (footnote 45). The reference to networks of habitats and green infrastructure (formerly biodiversity and green infrastructure) now refers solely to maintaining and strengthening those networks, rather than creating, protecting, enhancing and managing them; however, the reference to networks of habitats does facilitate reference to heritage assets as habitats, and recognition of the role they can play in green infrastructure.
- Para. 170 (formerly paras. 115-116) omits the reference to National Parks, the Broads, and Areas of Outstanding Natural Beauty having ‘the highest status of protection in relation to landscape and scenic beauty’: this is an important distinction, and should be reinstated if the policy is not to be weakened. The retention of the references to cultural heritage is however welcomed, as is the new reference to the scale and extent of development within these designated areas being limited. The requirement at para. 170c for consideration of the moderation of detrimental effects could usefully be strengthened, through positive reference to the design of any new development (particularly in relation to local character).
- The overall strengthening of policy in respect of Heritage Coasts (para. 171) and ancient woodland (para. 173) is welcomed, although the infrastructure caveat in respect of the latter appears unduly specific: these judgements should be made in light of individual cases, or in individual National Policy Statements. The retention of policy in respect of aged or veteran trees outside ancient woodland is noted.

- The recognition of the role of green infrastructure in improving air quality or mitigating impacts is welcomed (para. 179).
- The new policy on the 'agent of change' principle (para. 180) is very much welcomed.

CHAPTER 16 CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT

Q36 Do you have any comments on the text of Chapter 16?

- The broad retention of existing policy is welcomed.
- The inclusion of the former conservation core principle (old para. 17) in the new introductory paragraph (para. 182) is welcomed.
- The enhanced references to World Heritage Sites are welcomed (para. 182, footnote 53, the addition of text in the Glossary to the entry for 'significance', and the new Glossary entry on Outstanding Universal Value), but the linkages between cultural and natural policy could be further strengthened and clarified through cross-references to natural environment policy (see also the suggested amendment to the OUV definition, below).
- The remainder of para. 182 is however less successful:
 - It refers to heritage assets, but, in its associated reference only to 'sites and buildings', does not clearly convey the full extent of the historic environment to which the chapter applies – indeed, the term 'historic environment' no longer appears in the introduction to this chapter. Overall, the emphasis is on individual assets rather than the wider historic environment (the effect of which is compounded by the deletion of the definition of the historic environment in the Glossary: this should be reinstated), and this should be corrected, not least as it serves to undermine the draft document's wider emphasis on place-making.
 - Para. 182 also mentions 'highest significance' in passing, but does not fully reproduce the reference in old para. 132, and thus the term is no longer defined (only World Heritage Sites are now explicitly confirmed as being of the highest significance). The definition of 'highest significance' in old para. 132 is a helpful one, clarifying the weighting of different assets/grades in a planning context, and aids the effective implementation of policy: it should be reinstated.
- The inclusion of the first sentence of old para. 141 at the end of para. 184 (which is otherwise about conservation area designation) risks it being overlooked: it should be returned to its former location, or placed in a separate paragraph.
- Following discussion within the sector (endorsed by the Historic Environment Protection Reform Group, a sub-group of the Historic Environment Forum), a change is proposed to para. 185 (old para. 128):

185. Before considering change to heritage assets or developing proposals, applicants should first analyse their significance. In determining applications, local planning authorities should require an applicant to provide an analysis of describe the significance of any heritage assets affected, including any contribution made by their setting, and the potential impact of the proposal on their significance. The level of detail in this analysis should be proportionate to the assets' importance and no

*more than is sufficient to understand **significance and impact** ~~the potential impact of the proposal on their significance~~. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

This change reflects good practice, and addresses a number of concerns about the implementation of policy (see Historic England's recent research on NPPF implementation¹), and also about the burden on both LPAs and applicants.

- In para. 186 (old para. 129), the addition of reference to 'any' conflict is welcomed.
- In para. 189, in recognition of case law, the phrase 'irrespective of the degree of potential harm to its significance' has been added: this is welcomed, but its positioning within the paragraph and chapter is causing some concerns about clarity, and could usefully be reconsidered.
- In the reordering of para. 190, two important references have been lost:
 - The paragraph now only makes reference to any harm or loss to a *designated* heritage asset, where previously (old para. 132) harm or loss to *any* heritage assets required clear and convincing justification: this is a serious omission, and the original wording should be reinstated.
 - Reference has also been lost to heritage being irreplaceable. Though 'irreplaceable' is added to para. 182, it is no longer linked to the statement about harm or loss requiring clear and convincing justification, which renders the latter point less clear.
- The consistent references in para. 190 to parks and gardens and battlefields as being 'registered' are welcomed.
- The addition of the reference to 'total' loss in para. 191 (old para. 133) is welcomed.
- The loss of the phrase 'including securing its optimum viable use' from para. 192 (old para. 134) is of considerable concern. It represents a clear and well-understood heritage concept, which underpins much conservation activity and is used extensively. The phrase 'viable use' is still used elsewhere in Chapter 16, so the rationale for this change is hard to understand (and, indeed, the phrase 'optimum viable use' is used elsewhere in the draft NPPF): Historic England presses strongly for its reinstatement.
- The cross-references in para. 197 are incorrect: the references should be to paras. 191 and 192, rather than to paras. 190 and 191.
- The retention of the reference to enabling development policy is welcomed (para. 198), but this policy would be clearer if the original version from PPS5 was reinstated. As noted in response to Q14, clarification of the proper status of the cross-reference to this policy in para. 81 would also be helpful.
- The movement of the old para. 139 to a footnote (footnote 55) risks an important element of policy (as recognised in DCMS guidance, and tested in case law)

¹ [The Heritage Dimension of Planning Applications](#), and [Heritage in Planning Decisions: The NPPF and Designated Heritage Assets](#) (Historic England, 2018).

being overlooked, and non-designated heritage assets of equivalent significance to scheduled monuments made vulnerable in consequence. It further suggests that archaeological matters are being downgraded (at a time when archaeology is particularly affected by wider planning reforms), and is also clumsy: it is odd to have one important footnote (footnote 7) referring directly to another (footnote 55). This text should be reinstated in policy, ideally closer to the existing references to scheduled monuments. The current approach may also increase pressure for scheduling, so that there is greater certainty about, and confidence in, the available level of protection.

- There are various changes and omissions in the Glossary which will have an impact on the implementation of historic environment policy and which should be rectified: these are addressed in response to Q43, below.
- As also noted in relation to Q43, below, the inclusion within the Historic Environment Record (HER) Glossary entry of text from the old paragraph 169 is noted: this would be better located within the main text. The text should also be amended to refer to services (as previously) rather than resources, to better reflect the nature of HERs, and the value of HERs to efficient and cost-effective joint working recognised.

CHAPTER 17 FACILITATING THE SUSTAINABLE USE OF MINERALS

Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?

- The retention of the reference to the historic environment from old para. 143 in para. 200f is welcomed, but the useful references to the scenarios covered by this provision should also be retained ('including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site').
- Para. 200h needs the reference to the historic environment reinstating from para. 143 ('including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation').
- The retention of the historic environment references in para. 201 is welcomed, but an amendment is sought in respect of para. 201g, which is currently limited to small-scale extraction, and does not fully address conservation needs in terms of quantity, appearance, and physical qualities such as density, porosity, and grain sizes. We would therefore suggest the following:

*g) consider how to meet any demand for ~~small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets for~~ **the conservation of heritage assets – particularly where there are no other sources that are a close match in all respects** – taking account of the need to protect designated sites*

Additional clarification of what is meant by 'close match in all respects' could be developed in the PPG (and Historic England would be happy to help with the wording here). Central to that definition would be issues of colour, mineralogy and physical properties. Overall, this would ensure that some degree of flexibility

is retained, and an overly prescriptive approach avoided, but sources of necessary stone would be retained and made available for use. Historic England's experience is that, without such clarification, wholly inappropriate stone can be used (e.g. Blue Lias instead of White Lias), with the inevitable implications for the historic environment.

- Para. 201 could also make clearer the important contribution made by building stone to place-making. An additional point is suggested, as follows:
 - i) recognise the positive contribution of building and roofing stone to the character of a place*
- As mentioned under 'Glossary', below, the definition of 'minerals of local and national importance' needs to be reinstated.

Q38 Do you think that planning policy on minerals would be better contained in a separate document?

- No, not least as there are a number of direct linkages across minerals policy and the rest of the NPPF (e.g. in relation to historic conservation). If documents are being rationalised, though, it might make more sense to include waste policy within the NPPF.

ANNEX 1: IMPLEMENTATION

- Historic England remains concerned at the lack of detail regarding the 'planning freedoms' provision in s. 154 of the Housing and Planning Act 2016. Para. 213 does not clarify how exactly this provision will be implemented, both in terms of scope and engagement with statutory consultees.

ANNEX 2: GLOSSARY

Q43 Do you have any comments on the glossary?

- A definition of 'high environmental value' is needed.
- Confirmation is needed that the historic environment is covered under the terms 'environmental quality' (e.g. 103d), 'net environmental gains' (e.g. para. 73), and 'environmental designations' (page 25, draft PPG).
- The additional text relating to World Heritage Sites is welcomed: the addition of text to 'significance' and the new entry on Outstanding Universal Value. On the latter, we suggest that the addition of reference to UNESCO (otherwise only referred to in a footnote) would provide useful clarity:
 - Outstanding universal value: Cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations. An individual Statement of Outstanding Universal Value is agreed and adopted by the **UNESCO** World Heritage Committee for each World Heritage Site.*
- The additions to the definition of ancient woodland are also welcomed, and the inclusion of the new irreplaceable habitat entry.
- The amendment to the previously developed land entry is welcomed, too, in respect of (all) residential gardens.

- The definition of major development is useful in itself, but further clarification of the term as used in para. 170 is also needed.
- The Glossary should be put into alphabetical order (by way of illustration, 'conservation' is currently incorrectly located).
- The following omissions should be reinstated:
 - The full definition of archaeological interest, as per the current NPPF
 - The Article 4 Direction entry
 - The definition of the historic environment has been deleted (this is particularly important to the understanding and implementation of policy)
 - The entry for minerals of local and national importance, including its references to heritage assets and local distinctiveness
 - Minerals of local and national importance (though it is suggested that the reference in the last line to 'local' is deleted, so that the sentence ends '... tungsten, kaolin, ball clay, potash and local minerals of importance to heritage assets and local distinctiveness.').
- Current policy works well to conserve the historic environment when properly applied. Historic England research has shown that it is not always applied effectively or accurately, and further amendments to the Glossary would assist in addressing this.² Two such changes would be the reinstatement of the definition of the historic environment, and the full definition of archaeological interest, as noted above. A third such change would be the inclusion of the original definitions of architectural, historic and artistic interest, as included in PPS5 when the current policy was first developed (ideally in the NPPF, but in the PPG if not):

ARCHITECTURAL AND ARTISTIC INTEREST
These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.

HISTORIC INTEREST
An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide an emotional meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.
- The inclusion within the Historic Environment Record (HER) entry of text from the old paragraph 169 is noted: this would be better located within the main text than in the Glossary. The entry should be amended to refer to services (as previously) rather than resources, to better reflect the nature of HERs.

² See [The Heritage Dimension of Planning Applications](#), and [Heritage in Planning Decisions: The NPPF and Designated Heritage Assets](#) (Historic England, 2018).

Government Advice Team, Historic England
governmentadvice@HistoricEngland.org.uk
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