



Historic England

DCLG Consultation on Proposed Changes to National Planning Policy 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 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.

Introduction

- Historic England supports both the need to address the current issues of housing supply, and the prioritisation of brownfield/urban development, as discussed further below. The consultation proposals do raise some concerns, however.
- The first relates to the purpose and content of the consultation document. The consultation is described as seeking views on 'specific changes' to national planning policy. Broad proposals are outlined, but suggested wording for the new policy is not provided, and the potential impact of the proposed changes is such that the detailed wording is really needed if informed views are to be provided. It may be that a second consultation stage is envisaged in which this wording will be provided, but this is not clarified in the current consultation material.
- As much of the detail underpinning the planning proposals in the Housing and Planning Bill is also not currently available, there is a real risk that the interrelationship of the various changes proposed cannot be properly understood, and their cumulative effect adequately assessed. Historic England is keen to ensure that unintended consequences do not arise from the various changes, and would be happy to work with DCLG on matters of detailed wording.
- A related concern is a potential shift in the overall balance of policy (despite assurances in the consultation document to the contrary), given the extent of the proposed changes (e.g. relaxations in Green Belt policy, and the reference to some form of 'presumption in favour' of brownfield land, as well as in favour of starter homes). In its current form, the National Planning Policy Framework (NPPF) successfully balances a range of core planning principles within the overall presumption in favour of sustainable development. Further prioritisation of any one element of policy would undermine this balance, and thus jeopardise the delivery of sustainable development, including its heritage protection dimension. Historic England believes that current national planning policy properly highlights how the protection of the historic environment, character, and local distinctiveness is integral to the delivery of sustainable development, and maintains an appropriate degree of protection for the historic environment.
- Alongside the detailed wording, a greater understanding of the proposed weighting between different policy areas, and an overview of the various inter-relationships

between areas of policy are all needed before the full implications of these changes can be fully assessed, and confirmation obtained that there will be no inadvertent dilution of existing heritage policy.

Increasing Residential Density Around Commuter Hubs

Q4. Do you have any further suggestions for proposals to support higher density development around commuter hubs through the planning system?

- The need for links between public transport and higher density development is itself to be supported, but the revised policy will need to relate appropriately to existing policy with regard to, for instance, heritage and countryside protection.
- Commuting hubs may well provide an opportunity for high density development, and 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, with implications for the capacity to accommodate growth. The issues are the degree of change (rather than the principle), and the degree to which the necessary assessment of local needs, character, significance, and impact is undertaken, to ensure that the increased development pressures are managed appropriately, and opportunities taken to conserve or enhance as appropriate.

Q5. Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?

- Yes: appropriate densities should be determined locally, informed by an assessment of local needs, character, significance, and impact.

Supporting New Settlements, Development on Brownfield Land and Small Sites, and Delivery of Housing Agreed In Local Plans

Supporting New Settlements

Q6. Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not, why not?

- New settlements may already be permitted where necessary and appropriate, and any further support suggests a shift in the overall balance of policies within the NPPF, particularly as there is not yet any detail as to how this will relate to other areas of policy (such as Green Belt or countryside protection), nor any draft criteria.
- New settlements can relieve pressure around historic towns, but they can also harm heritage assets and landscape character if poorly located.
- It is not just the location but the delivery of new settlements which needs support, so that they can be brought forward in a timely fashion with regard to plan-led housing delivery and five-year housing land supply targets.

Supporting Housing Development on Brownfield Land and Small Sites

Q7. Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?

- The proposals regarding the effective 'presumption in favour of brownfield land' suggest a change in the future relative weighting of policies in the NPPF. Whilst it appears that only one formal presumption in favour will be retained in policy, the overall intention regarding the prominence of this aspect of policy is clear. 'Substantial weight' is a term currently used only in relation to Green Belt protection, and the status of the new brownfield commitment relative to Green Belt, heritage protection and other areas of policy which currently have references to 'great' or 'significant' weight will need careful consideration, particularly when the policy is considered in conjunction with the emerging permission in principle regime.
- The statutory brownfield register currently being proposed through the Housing and Planning Bill suggests that the proposed strengthening of the policy is not in fact necessary: policy already encourages the use of brownfield land, and the register provides a mechanism in support of the delivery of that policy.
- Any change to policy in this area could usefully provide clarification as to the meaning of 'high environmental value' (NPPF paras. 17 and 111).

Q8. Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of the local planning authorities' five-year land supply?

- The proposal to apply the new, strengthened brownfield approach to 'other small sites' (albeit with protection retained 'against unwanted development of back gardens') further suggests a fundamental change to housing policy. It also suggests a change to the definition of previously developed land, though, again, there is none of the necessary detail at this stage to be able to properly assess what the implications will be for the consideration of character; heritage, habitat and open space protection; and countryside and Green Belt policy.
- If the policy is to be pursued, further consideration of the way in which back gardens are to be addressed is supported: back gardens are the focus of much current attention, e.g. in relation to the capacity of London suburbs to meet housing need.

Q10. Do you consider that national planning policy should set out that local planning authorities should put in place a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan?

- If the policy is to be pursued, the proposed encouragement of the plan-led system through the formulation of specific local plan policies is supported, on the assumption that the local plan preparation process was sufficiently robust with regard to evidence gathering and strategy formulation.

Ensuring Housing is Delivered on Land Allocated in Plans

Q12. What would be the impact of a housing delivery test on development activity?

- The problem that the test is intended to address is one of delivery. The various actions that local planning authorities (LPAs) can take in support of delivery are outlined in the consultation, but less attention is paid to how other partners can ‘play their part’. The housing delivery test appears to require LPAs to release additional land for housing when developers have failed to deliver sites already identified and allocated. This creates a clear incentive for developers to withhold more challenging brownfield sites, and await the extra allocation of easier greenfield sites, and therefore appears to run counter to the Government’s housing delivery objectives.
- The withholding of allocated sites affects housing delivery, and wastes the effort put in by a number of parties to developing a deliverable package for a site; it could also have an adverse impact on heritage (and particularly heritage at risk), where heritage assets and their conservation have been a component of such a scheme. Historic England supports the prioritisation of brownfield/urban development, and failure to take up brownfield sites also compromises places-shaping and regeneration objectives set out in the same local plan.
- If the housing delivery test is to be retained as currently proposed, there remain some other issues. The promotion of additional development plan documents is contrary to the current emphasis on single local plan documents, and could lead to further delay in the delivery of housing, rather than expedite it. There are also questions as to how the proposed delivery controls for the new sites would work, and, if effective, why they are not proposed to be applied to existing sites to obviate the need for the housing delivery test in the first place.
- Specific actions to resolving the developer-related blockages in the system should be explicitly addressed – and consulted on – alongside any LPA-related measures, and the housing delivery test also applied to developers.

Supporting Delivery of Starter Homes

Unviable and Underused Commercial and Employment Land

Q13. What evidence would you suggest could be used to justify retention of land for commercial or similar use? Should there be a fixed time limit on land retention for commercial use?

- Historic England does not have a particular view on the issues raised in this question, but does have some wider views on this proposed policy.
- Historic England supports the need to address the current issues of housing supply, and notes the benefits that the development of these and other sites may bring with regard to the conservation of individual heritage assets and the opportunities to limit unsustainable urban sprawl which itself compromises the future viability of historic centres. It is important that the considered planning of an area is not undermined by an over-emphasis on housing, however, 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.

- The definition of ‘unviable’ land, and ‘significant and compelling evidence’ will be crucial, and clarification as to how longer-term economic cycles are to be considered.
- 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).
- Repeated references to ‘presumptions in favour’ need to be omitted, and the intended relative weighting of policies in the NPPF clarified.
- Care will also need to be taken that a perverse incentive to vacate buildings and falsely generate a brownfield site is not created, with associated implications not only for economic growth and productivity, but also for the historic environment and heritage assets.

Q14. Do you consider that the starter homes exception site policy should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land?

- As discussed above, it is not yet clear how housing and other development needs are to be appropriately balanced.

Q15. Do you support the proposal to strengthen the starter homes exception site policy? If not, why not?

- With regard to the proposal to be clearer about the grounds on which development might be refused (specifically, by amending the exception site policy ‘to make it clearer that planning applications can only be rejected if there are overriding design, infrastructure and local environmental (such as flood risk) considerations that cannot be mitigated’), what constitutes, in heritage terms, an ‘overriding design, infrastructure and local environmental consideration that cannot be mitigated’? Everything can be mitigated to some degree, and more specific wording is therefore suggested needed, e.g. ‘mitigated to an acceptable level’.

Encouraging Starter Homes Within Mixed Use Commercial Developments

Q16. Should starter homes form a significant element of any housing component within mixed use developments and converted unlet commercial units?

- This raises again the issue of proper planning and balanced communities, and particular concerns about the vitality and viability of town centres. It is not clear how the reuse of heritage assets would be addressed.

Enabling Communities to Identify Opportunities for Starter Homes

Q19. Should local communities have the opportunity to allocate sites for small scale starter home developments in their Green Belt through neighbourhood plans?

- Historic England’s direct interest in Green Belt stems primarily from the fact that one of the purposes of Green Belt land is ‘to preserve the setting and special character of

historic towns' (NPPF para. 80), but the other defined purposes also have relevance to the historic environment and wider sustainability objectives, e.g., assisting in urban regeneration by encouraging the re-use of derelict and other urban land.

- Green Belt policy operates successfully at a more strategic level. In that vein, the statements in the consultation that local plans are 'at the heart of the planning system' (paragraph 58), and regarding the commitment to 'maintaining the strong safeguards on Green Belt' (paragraph 51), are to be welcomed, but would be undermined by the proposal for exceptions to be defined at the neighbourhood level.
- As starter homes are not to be retained as accessible and affordable housing in perpetuity, the degree to which they provide the special justification sufficient to warrant an exception policy needs to be carefully considered.

Brownfield Land in the Green Belt

Q20. Should planning policy be amended to allow redevelopment of brownfield sites for starter homes through a more flexible approach to assessing the impact on openness?

- This would be a significant change to Green Belt policy, with wider ramifications – not least for heritage protection (this objection may be well illustrated with reference to places like Bath). The detailed wording also needs to be carefully considered.

Transitional Arrangements

Q21. We would welcome your views on our proposed transitional arrangements.

- The implications of the proposed changes are sufficiently far-reaching that a transitional period is likely to be needed across the board, with clear guidance issued as to its operation. The likely impacts on progress with local plan preparation should also be carefully considered, with particular reference to the March 2017 deadline, and the proposed powers for the Secretary of State, Mayor of London and combined authorities to take over plan preparation in case of LPA failure.

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