



Historic England

Historic England Response to the Local Plans Expert Group

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.

Historic England welcomes the opportunity to submit evidence on the following issues:

Observations

- Given the timescales involved in both local plan preparation and implementation, any changes in policy and procedure can have a disproportionately disruptive impact (as was experienced when the old system of Structure Plans, Local Plans and Unitary Development Plans changed to Local Development Frameworks: work ceased on many Plans, even those a long way through the preparation process). Any future changes should therefore be carefully considered, and demonstratively necessary, if they are not themselves to cause delays.
- Broadly speaking, the plan preparation system works well, or has the potential to. The time and effort that goes into plan making results in considered, inclusive and democratic plans, but there remains a risk that resource constraints, and the complexity of the system (real and perceived), can hinder the efficient operation of the system, particularly in relation to meaningful engagement with key stakeholders and communities (see further comments under 'implementation', below).

Implementation

- Local plans support the delivery of sustainable development, reflect 'the vision and aspirations of local communities' (National Planning Policy Framework (NPPF) para. 150), and provide certainty for both developers and the community within a clearly articulated strategy. Their importance in this regard is recognised in statute (s. 38(6), Planning and Compulsory Purchase Act 2004), but it is important that wider changes in the planning system do not undermine this plan-led approach.
- Local planning authority (LPA) resourcing is a key concern in relation to the effective and robust implementation of existing policy and process.¹ The commissioning and

¹ The seventh report on Local Authority Staff Resources (Historic England, Association of Local Government Archaeological Officers, and Institute of Historic Building Conservation, July 2015) confirms that the number of conservation specialists advising local authorities has fallen by 35% in England since 2006, and that the number of archaeological specialists has fallen by 23% over the same period.

interpretation of the necessary evidence, its application in formulating a suitable strategy for an area, and its reflection in policy – all in a suitably timely fashion – all require adequate numbers of suitably experienced and qualified staff. The same is true for the handling and weighing of consultation responses, which, in their breadth, complexity, and volume may present significant challenges to under-resourced authorities.

- The consultation process itself can be inefficient, with very little evidence for consultation participants of a responsive policy development process, in which:
 - An authority's action in response to a particular representation is made clear to respondents at each stage, so that they can assess whether or not it has been addressed to their satisfaction.
 - Policy development is shown to be a 'cumulative' process. If enough of the context from an earlier round of consultation is 'carried forward' to subsequent stages, this can serve to reassure respondents that any action previously taken by the Council remains intact. It can also enable both respondents and the Council to review previous comments against further proposed policy changes at later stages with greater ease, and potentially ensure that respondents do not feel the need to resubmit the same comments at each consultation stage.

Content of Local Plans

- Pre-2004 local plans were encouraged to have both detailed development control policies and site-specific proposals. Those which duplicated national policy or were otherwise superfluous were later culled (i.e. not 'saved'), and then national policy was itself culled when a large number of lengthy policy documents were distilled into the NPPF. Overall, this has encouraged a certain degree of efficiency (and avoidance of unnecessary duplication), which is itself to be welcomed and encouraged.
- When not supported by adequate evidence gathering, however, or by a commitment to implementing locally-nuanced policies, 'efficiency' alone is inadequate. Brief, generic policies do not implement the NPPF requirements to identify the strategic priorities for an area – including strategic policies to deliver the conservation and enhancement of the historic environment (NPPF para. 156) – nor the requirement for a positive strategy for the conservation and enjoyment of the historic environment (NPPF para. 126). The result can be an inappropriate reliance on a small number of relatively strategic policies in local plans, and fewer detailed site- or issue-specific policies providing a more nuanced interpretation specific to local circumstances, or clearly articulating and implementing a vision specific to a particular locality. Instead, there may be an excessive reliance on the NPPF for the detail of development management considerations.
- For local plans to fulfil the purposes outlined above, the necessary evidence must be gathered and then used appropriately, to inform the development of vision, strategy and policies, and the sustainability appraisal (SA)/strategic environmental assessment (SEA) process. Any suggested changes to the local plan process need to ensure that suitable emphasis is placed on obtaining, analysing and applying evidence, including the formulation of policies specific to particular areas rather than generic 'one size fits all' policies without that specific local dimension. This is not to suggest more policies, necessarily, merely better, more relevant ones which actively promote development

which is truly sustainable (and suited to local context and character), and which deliver a positive strategy for the historic environment as required by the NPPF.

- As a consultee in the local plan process, Historic England's experience has been that, certainly at the early stages, the vast majority of Local Plans are not fully consistent with the advice of the NPPF, and some of them are deficient to the point that, in terms of the approach to the historic environment, their soundness is questionable. Historic England offers support and advice to address these initial shortcomings constructively, which itself helps to speed up the plan making process, and to deliver sustainable development which safeguards and enriches the historic environment, but it would be more efficient if plans were better prepared from the outset.
- A critical issue in the plans Historic England sees which are not consistent with the NPPF is the lack of a positive strategy for heritage, as articulated above. A related issue is a poor evidence base, or an inadequate application of the evidence base.
- Particular problems are also apparent in relation to site allocations: some LPAs are failing to do enough preparatory work in heritage terms to ensure that allocated sites do not affect the historic environment, or do not provide any meaningful guidance alongside a basic allocation (e.g. with regard to its capacity, the considerations to be taken into account in determining any subsequent planning applications, how it is expected that the site might be developed, and how any impact might be mitigated). This can all translate to delays in the process at a later stage (often due to local objections). In some areas this is due to a lack of resources, in others it relates to a belief that heritage issues can be dealt with at the development management stage: instead, the impact on the significance of archaeological remains or other heritage assets should be addressed through design or other criteria set out in a site allocation policy. Poor policies do not provide the degree of certainty expected by either developers or the local community, and also fail to set an appropriate framework which will assist in delivering sustainable development.
- Historic England has sought to address the issues identified above through the production of targeted advice (e.g. on site allocations and the historic environment), and through direct support to LPAs, but stronger adherence to existing policy is necessary, and clearer messaging that evidence gathering, analysis, and application is fundamental to good plan preparation: this is not a stage that should be rushed or otherwise curtailed in any drive to speed up the plan preparation process. The early investment of the necessary time in the production of a robust plan is repaid in the certainty it provides to developers, its support of the subsequent decision-making process, and the quality of the outcomes it generates.
- Historic England's experience is that the absence of specialist staff, and the lack of expertise (planning and heritage) is broadly correlated to poor plans: the lack of expertise in specific local authorities is having an adverse impact on heritage protection. Local planning authorities need to be further encouraged to ensure that they have access to relevant historic environment expertise and information, and that this is subsequently applied to the local plan making process.

Local Plan Preparation Process

- In response to a clear need for further support for LPAs, Historic England has produced advice on various aspects of the planning process (including plan-making and site

allocations), and offers training. Wider promotion of good practice and exemplar policies by key bodies could further support LPAs.

- The SA/SEA process is complex and can generate a large amount of technical and inaccessible paperwork. Historic England has produced advice on SA/SEA production, but there is scope for a simplification of the processes required (particularly as SA/SEAs vary little across the country in their early stages), perhaps in the form of nationally-defined SA objectives, decision-making criteria, and assessment frameworks, that can be departed from if justified?

Agreeing Strategic Requirements

- Greater standardisation in the approach to assessing housing need could also be considered: consistency in methodology across local housing markets would be useful for all concerned, and go some way to eliminating inconsistencies in approach between local planning authorities.
- There is confusion amongst some local planning authorities as to what exactly the duty to cooperate requires, and how it relates to the wider requirements to engage with specific consultation bodies: this could usefully be clarified.

Conclusion

- Overall, efficient and effective local plan preparation is best supported by adequate resourcing, clarity of requirements, and availability of support and advice.

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