



ENGLISH HERITAGE

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Our ref: NPPF response
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17 October 2011

Dear Mr Scott

ENGLISH HERITAGE RESPONSE TO THE NPPF CONSULTATION

This letter and its attachments provide English Heritage's response to the consultation on the draft National Planning Policy Framework. Our response is formed by our amended version of the NPPF text, an accompanying commentary, and our Consultation Response Questionnaire.

English Heritage believes that if a small number of changes and additions to the National Planning Policy Framework (NPPF) are introduced, the protection of the historic environment can be maintained at the existing level, which is the stated aim of Government.

Our main concerns are:

- The wording of the historic environment policies section and the wording of the presumption in favour of sustainable development section need to be reconciled so that there is no confusion in interpretation, leading to an unintended reduction in the level of protection for the historic environment.
- The lack of a policy to deal with proposals causing moderate or minor harm to heritage assets.
- Inadequate protection of undesignated but nationally important archaeology in areas where there is a Neighbourhood Development Order.
- Inadequate recognition of the positive contribution the historic environment can make to sustainable development. We would like to see a policy that encourages the viable use of heritage assets, where possible, and to see recognition that the historic environment has a positive role in making characterful and sustainable places.

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- That the protection of our nationally important historic buildings and sites should be given 'great' weight, to be consistent with the wording for the protection of National Parks and Areas of Outstanding Natural Beauty.

English Heritage believes that all the above concerns can be addressed through a small number of changes or additions to the text and we have made these suggestions on our amended version of the NPPF text and the accompanying commentary.

We have already had useful meetings with both Ministers and DCLG and DCMS officers, and have presented our initial responses to the consultation to them. We look forward to continuing dialogue on the historic environment issues in the NPPF and, in due course, discussion over guidance for the topic.

If you have any queries on details of our response attached to this letter, please do not hesitate to contact us.

Yours sincerely



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Draft National Planning Policy Framework with
amendments suggested by English Heritage

17 October 2011

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Introduction

1. Planning shapes the places where people live and work. Planning plays a vital role in building our economy and supporting strong, vibrant and healthy communities.
2. The Government expects the planning system to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, while protecting and enhancing the natural and historic environment. Planning has a key role in securing a sustainable future.
3. To deliver this, planning must be transparent, effective and efficient and it must ensure the public interest is protected. This should be achieved through a system based on:
 - national policies which set out the Government's requirements for the planning system and how these are expected to be addressed
 - local and neighbourhood plans, which empower local people to shape their surroundings; and
 - development management, which allows planning applications to be considered on their merits, within this national and local policy framework.
4. The National Planning Policy Framework sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.
5. The National Planning Policy Framework sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
6. Nationally significant infrastructure projects are determined by the decision-making framework set out in national policy statements, which are part of the overall framework of planning policy.
7. This Framework does not contain specific waste policies, since national waste planning policy will be published alongside the National Waste Management Plan for England¹. However, local authorities preparing waste plans should have regard to policies in this Framework.

¹ The Waste Planning Policy Statement will remain in place until the National Waste Management Plan is published.

8. The policies set out in this Framework apply to the preparation of local and neighbourhood plans, and to development management decisions. Planning policies and decisions should be compatible with and where appropriate further the achievement of relevant EU obligations and statutory requirements set out in domestic legislation. The Framework should be read and interpreted as a whole.

Delivering sustainable development

9. The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs². It is central to the economic, environmental and social success of the country and is the core principle underpinning planning. Simply stated, the principle recognises the importance of ensuring that all people should be able to satisfy their basic needs and enjoy a better quality of life, both now and in the future.
10. For the planning system delivering sustainable development means:
 - **planning for prosperity (an economic role)** – use the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure
 - **planning for people (a social role)** – use the planning system to promote strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the community's needs and supports its health and well-being; and
 - **planning for places (an environmental role)** – use the planning system to protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy.
11. These three components should be pursued in an integrated way, looking for solutions which deliver multiple goals. There is no necessary contradiction between increased levels of development and protecting and enhancing the environment, as long as development is planned and undertaken responsibly. The planning system must play an active role in guiding development to sustainable solutions.
12. When taken as a whole, the policies in this Framework set out the Government's view of what constitutes sustainable development in practice and how the planning system is expected to deliver it.

The presumption in favour of sustainable development

13. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. A positive planning system is essential because, without growth, a sustainable future

² The Report of the Brundtland Commission, *Our Common Future*, 1987

cannot be achieved. Planning must operate to encourage growth and not act as an impediment. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

14. At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should:
- prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes
 - approve development proposals that accord with statutory plans without delay; and
 - grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. **In all cases where the historic environment policies apply, development that would cause harm should only be permitted where a balanced assessment in accordance with those policies justifies it.**

15. All plans should be based upon and contain the presumption in favour of sustainable development as their starting point, with clear policies that will guide how the presumption will be applied locally.
16. Development likely to have a significant effect on sites protected under the Birds and Habitats Directives would not be sustainable under the terms of the presumption in favour of sustainable development.
17. The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:
- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development
 - plan positively to support local development, with the power to promote more development than is set out in the Local Plan; and
 - identify opportunities to use neighbourhood development orders to grant planning permission for developments that are consistent with an adopted neighbourhood plan, **as well as the other basic conditions.**
18. Those responsible for bringing forward development are expected to play their part by recognising and responding to the needs of communities. Development should be of good design and appropriately located.

National incentives and relevant local charges will help ensure local communities benefit directly from the increase in development that this Framework seeks to achieve. The revenue generated from development will help sustain local services, fund infrastructure and deliver environmental enhancement.

Core planning principles

19. A set of core land-use planning principles should underpin both plan-making and development management and should be taken into account by all those engaged in the planning system, from local authorities and developers through to communities. These principles are:
- planning should be genuinely plan-led, with succinct Local Plans setting out a positive long-term vision for an area. These plans should be kept up to date and should provide a practical framework within which decisions on planning applications can be made with a high degree of certainty and efficiency
 - planning should proactively drive and support the development that this country needs. Every effort should be made to identify and meet the housing, business, and other development needs of an area, and respond positively to wider opportunities for growth. Decision-takers at every level should assume that the default answer to development proposals is “yes”, except where this would compromise the **key** sustainable development principles set out in this Framework
 - planning policies and decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability. Plans should set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community
 - in considering the future use of land, planning policies and decisions should take account of its environmental **character and** quality or potential **character and** quality regardless of its previous or existing use
 - planning policies and decisions should seek to protect and enhance environmental and heritage assets in a manner appropriate to their significance, and reduce pollution. Where practical and consistent with other objectives, allocations of land for development should prefer land of lesser environmental value
 - planning policies and decisions should make effective use of land, promote mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production)
 - planning policies and decisions should **encourage enable** the reuse of existing resources, such as through the conversion of existing buildings,

and encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy)

- planning policies and decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
- planning policies and decisions should take account of and support local strategies to improve health and wellbeing for all; and
- planning policies and decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

Plan-making

Local plans

20. Development plans must aim to achieve the objective of sustainable development. To this end, they should be consistent with the objectives, principles and policies set out in this Framework, including the presumption in favour of sustainable development. This means that plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. **In cases where the historic environment policies apply, development that would cause harm should only be permitted where a balanced assessment in accordance with those policies justifies it.**
21. Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should only be necessary where their production can help to bring forward sustainable development **more efficiently at an accelerated rate**, and must not be used to add to the financial burdens on development.
22. Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear guidance on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.
23. Local planning authorities should set out the **strategic priorities** (*see our commentary*) for the area in the Local Plan. This should include strategic policies to deliver:
 - housing and economic development requirements
 - the provision of retail, leisure and other commercial development
 - the provision of infrastructure for transport, minerals, waste, energy, telecoms, water supply and water quality
 - the provision of health, security, community infrastructure and other local facilities; and
 - climate change mitigation and adaptation, protection and enhancement of the natural and historic environment, including landscape, and where relevant coastal management.⁸ | Draft National Planning Policy Framework
24. Crucially, Local Plans should:

- plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework
 - be drawn up over an appropriate time scale, preferably a 15 year time horizon, take account of longer term requirements, and be kept up to date
 - indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map
 - allocate sites to promote development and flexible use of land, providing detail on form, scale, access and quantum of development where appropriate
 - identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation
 - identify land which it is **genuinely** important to protect from development, for instance because of its environmental or historic **significance value**; and
 - contain a clear strategy for the **environmental**-enhancement of the **natural, built and historic environment of the** area.
25. Local Plans are the key to delivering development that reflects the vision and aspiration of local communities. To do this, early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the development of the area, including adopted neighbourhood plans.
26. Up-to-date Local Plans, i.e. Local Plans which are consistent with this Framework, should be in place as soon as practical. In the absence of an up-to-date and consistent plan, planning applications should be determined in accord with this Framework, including its presumption in favour of sustainable development. It will be open to local planning authorities to seek a certificate of conformity with the Framework.

Using a proportionate evidence base

27. Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and **built, natural and historic** environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals such as land prices to inform judgements about levels of demand.

Housing requirements

28. Local planning authorities should have a clear understanding of housing requirements in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing requirements, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to require over the plan period which:
 - meets household and population projections, taking account of migration and demographic change
 - addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as families with children, older people, disabled people, service families and people wishing to build their own homes); and
 - caters for housing demand and the scale of housing supply necessary to meet this demand
- prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified requirement for housing over the plan period.

Business requirements

29. Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should:
- work together with county and neighbouring authorities and with local enterprise partnerships to prepare and maintain a robust evidence base to understand both existing business needs and likely changes in the market; and
 - work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability.
30. Local planning authorities should use this evidence-base to assess:
- the requirements for land or floorspace for economic development, including both the quantitative (how much) and qualitative (what type) requirements for all foreseeable types of economic activity over the plan period, including for retail and leisure development
 - the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified requirements. Reviews of land available for economic development should be undertaken at the same time as, or combined with, strategic housing land availability assessments and should include a reappraisal of the suitability of previously allocated land

- the role and function of town centres and the relationship between them, including any trends in the performance of centres
- the capacity of existing centres to accommodate new town centre development
- locations of deprivation which may benefit from planned remedial action; and
- the needs of the food production industry and any barriers to investment that planning can resolve.

Infrastructure requirements

31. Local planning authorities should work with other authorities and providers to:
- assess the quality and capacity of transport, water, energy, telecommunications, utilities, health and social care, waste and flood defence infrastructure and its ability to meet forecast demands; and
 - take account of the need for nationally significant infrastructure within their areas.

Minerals requirements

32. Local planning authorities should use the best available information to develop and maintain an understanding of the extent and location of mineral reserves in their areas and assess the projected demand for their use.

Defence and National Security

33. Local planning authorities should work with the Ministry of Defence's Strategic Planning Team to ensure that they have and take into account the most up-to-date information about defence and security needs in their area.

Environmental assessment

34. Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area.

- 37** Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record.

A sustainability appraisal should be an integrated part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

35. Local Plans may require a variety of other environmental assessments, including under the Habitats Regulations where there is a likely significant effect on a European wildlife site (which may not necessarily be within the same local authority area) and Strategic Flood Risk Assessment. Wherever possible, assessments should share the same evidence base and be conducted over similar timescales, but local authorities should take care to ensure that the purposes and statutory requirements of different assessment processes are respected.
36. Assessments should be proportionate to the plan. They should not repeat the assessment of higher level policy. Wherever possible the local planning authority should consider how the preparation of any assessment will contribute to the plan's evidence base. The process should be started early in the plan-making process and key stakeholders should be consulted in identifying the issues that the assessment must cover.

Health and well-being

38. Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

Ensuring viability and deliverability

39. To enable a plan to be deliverable, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens (not including environmental protection policies of all types) that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, local standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and on-site mitigation, provide acceptable returns to a willing land owner and willing developer to enable the development to be deliverable.
40. Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. Where practical Community Infrastructure Levy charges should be worked up and tested alongside Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place.
41. Local planning authorities, parishes and neighbourhood forums should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the development plan at serious risk, and should facilitate development throughout the economic cycle.

42. Evidence supporting the assessment should be proportionate, using only appropriate available evidence.
43. It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up. For this reason, infrastructure and development policies should be planned at the same time, in the Local Plan. Any affordable housing or local standards requirements that may be applied to development should be assessed at the plan-making stage, where possible, and kept under review.

Planning strategically across local boundaries

44. Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** identified above. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.
45. Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans³. They should take account of different geographic areas, including travel-to-work areas. In two tier areas, county and district authorities should cooperate with each other on relevant issues. Local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable economic growth in consultation with Local Enterprise Partnerships.
46. Local planning authorities will be expected to demonstrate evidence of having successfully cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the infrastructure necessary to support current and projected future levels of development.
47. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the objectives, principles and policies of this Framework. As part of this process they should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.

³

In marine areas, local planning authorities should collaborate with the Marine Management Organisation.

Examining Local Plans

48. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is practical to do so consistently with the presumption in favour of sustainable development
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate and robust evidence
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Neighbourhood plans

49. Neighbourhood plans give communities direct power to plan the areas in which they live. Parishes and neighbourhood forums can use neighbourhood plans to:
- develop a shared vision for their neighbourhood
 - set planning policies for the development and use of land; and
 - give planning permission through Neighbourhood Development Orders and Community Right to Build Orders.
50. This provides a powerful set of tools for local people to ensure that they get the right types of development for their community. However, the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans, therefore, must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhoods will have the power to promote more development than is set out in the strategic policies of the Local Plan.
51. Outside these strategic elements, neighbourhood plans will be able to shape and direct development in their area, subject to the presumption in favour of sustainable development. When a neighbourhood plan is made, the policies it contains take precedence over existing policies in the Local

Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.

52. A neighbourhood plan must be assessed by an independent examiner before it can go to a local referendum. To pass the independent examination, the neighbourhood plan must:

- have regard to the policies in this Framework
- be in general conformity with the strategic policies in the Local Plan;
and
- be compatible with relevant EU obligations and human rights requirements.

Development management

53. The primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.
54. To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, local planning authorities need to:
- approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so
 - attach significant weight to the benefits of economic and housing growth
 - influence development proposals to achieve quality outcomes; and
 - enable the delivery of sustainable development proposals.
55. The relationship between development management and plan-making should be seamless and both should recognise the presumption in favour of sustainable development and the positive approach to planning set out in this Framework. The application of the presumption should achieve the delivery of enhanced levels of development consistent with national, strategic and local requirements.

Pre-application engagement and front loading

56. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
57. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they could encourage take-up of any pre-application services they do offer. They could also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications.
58. The more issues considered at pre-application stage, the greater the benefits. Statutory planning consultees also need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle. Consents relating to how a development is built or operated can be dealt with at a later stage.

59. The right information is crucial to good decision making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations Assessment and Flood Risk Assessment). To avoid delay, developers should discuss what information is needed with the local planning authority and expert bodies as early as possible. Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.
60. Developers and local planning authorities should consider the potential of entering into planning performance agreements, where this might achieve a faster and more effective application process.
61. For their role in the planning system to be effective and positive, statutory consultees will need to take the same early and pro-active approach to their involvement in development proposals, providing advice in a timely manner at all stages of the development process. This assists local planning authorities in issuing timely decisions, helping to ensure developers do not experience unnecessary delays and costs.

Determining applications

62. The planning system is plan-led. Therefore Local Plans, incorporating neighbourhood plans where relevant, are the starting point for the determination of any planning application.
63. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Tailoring planning controls to local circumstances

64. Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where ~~this would not undermine the application of the policies within this Framework e-impacts would be acceptable~~, and in particular where this would boost enterprise and growth. The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect ~~the local, natural and historic environment~~ or the ~~general amenity and or the~~ wellbeing of the area (this could include the use of article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Neighbourhood Development and Community Right to Build Orders

65. Neighbourhoods can use neighbourhood development orders to grant planning permission. Developments that are permitted through a neighbourhood development order will not require further planning

permission from local planning authorities. **Development should not be permitted through a neighbourhood development order if it could directly affect non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments.**

66. Community Right to Build Orders require the support of the local community through a referendum. Therefore, local planning authorities should take a proactive and positive approach to proposals, working collaboratively with community organisations to resolve any issues before draft Orders are submitted for examination. Independent examiners should apply the presumption in favour of sustainable development when considering draft Orders.

Planning conditions and obligations

67. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
68. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms
 - directly related to the development; and
 - fair and reasonably related in scale and kind of development.
69. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
70. Local planning authorities should avoid unnecessary conditions or obligations, particularly when this would undermine the viability of development proposals.

Planning for prosperity

Business and economic development

Objectives

71. The Government is committed to securing sustainable economic growth. In particular, there is an urgent need to restructure the economy, to build on the country's inherent strengths and to meet the twin challenges of global competition and of a low carbon future.
72. To help achieve sustainable economic growth, the Government's objectives are to:
 - plan proactively to meet the development needs of business and support an economy fit for the 21st century
 - promote the vitality and viability of town centres, and meet the needs of consumers for high quality and accessible retail services; and
 - raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural economies.

Support economic development

73. Investment in business should not be over-burdened by the combined requirements of **local and neighbourhood** planning policy expectations. Such planning policies should recognise and seek to address potential barriers to investment, including poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should ensure that they:
 - set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth
 - set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated requirements over the plan period
 - support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate requirements not anticipated in the plan and to allow a rapid response to changes in economic circumstances
 - positively plan for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries
 - identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and

- facilitate new working practices such as live/work.
74. In considering applications for planning permission, local planning authorities should apply the presumption in favour of sustainable development and seek to find solutions to overcome any **substantial** planning objections where practical and consistent with the Framework.
75. Planning policies should avoid the long term protection of employment land or floorspace, and applications for alternative uses of **local plan** designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses.

Promote the vitality and viability of town centres

76. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Local planning authorities should:
- recognise town centres as the heart of their communities and pursue policies to support the viability and vitality of town centres
 - define a network (the pattern of provision of centres) and hierarchy (the role and relationship of centres in the network) of centres that is resilient to anticipated future economic changes
 - define the extent of the town centre and the primary shopping area, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations
 - recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites
 - allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, community services and residential development needed in town centres. It is important that retail and leisure needs are met in full (**where possible and subject to environmental constraints**) and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites
 - allocate appropriate edge of centre sites where suitable and viable town centre sites are not available, and if sufficient edge of centre sites cannot be identified, set policies for meeting the identified requirements in other accessible locations; and
 - set policies for the consideration of retail and leisure proposals which cannot be accommodated in or adjacent to town centres.²⁰ | Draft National Planning Policy Framework

77. Local planning authorities should apply a sequential approach to planning applications for retail and leisure uses that are not in an existing centre and are not in accordance with an up to date Local Plan.
78. Local planning authorities should prefer applications for retail and leisure uses to be located in town centres where practical, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. In applying this sequential approach, local planning authorities should ensure that potential sites are assessed for their availability, suitability and viability and for their ability to meet the full extent of assessed quantitative and qualitative needs.
79. When assessing applications for retail and leisure development outside of town centres, which are not in accordance with an up to date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. If there is no locally set threshold, the default threshold is 2,500 sq m.
80. Planning policies and decisions should assess the impact of retail and leisure proposals, including:
 - the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to ten years from the time the application is made.

Support the rural economy

81. Planning policies should support sustainable economic growth in rural areas by taking a positive approach to new development. Planning strategies should maintain a prosperous rural economy including policies to:
 - support the sustainable growth of rural businesses
 - promote the development and diversification of agricultural businesses; and
 - support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
 - **Promote the reuse of historic buildings for business and other purposes where that is the optimum viable use consistent with their conservation.**

Transport

Objectives

82. Transport policies have an important role to play in facilitating development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
83. Where practical, encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. The planning system should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.
84. To this end, the objectives of transport policy are to:
- facilitate economic growth by taking a positive approach to planning for development; and
 - support reductions in greenhouse gas emissions and congestion, and promote accessibility through planning for the location and mix of development.

Facilitate economic growth

85. Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable economic growth, including large scale facilities such as Rail Freight Interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.
86. All developments that generate significant amounts of movement, as determined by local criteria, should be supported by a Transport Statement or Transport Assessment. Planning policies and decisions should consider whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure.
 - safe and suitable access to the site can be achieved for all people; and

- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Subject to those 22 | Draft National Planning Policy Framework considerations, development should not be prevented or refused on transport grounds unless the residual impacts of development are severe, and the need to encourage increased delivery of homes and sustainable economic development should be taken into account.

87. When planning for ports, airports and airfields that are not subject to a separate national policy statement, planning policies should consider their growth and role in serving business, leisure, training and emergency service needs. In doing this, planning policies should take account of this Framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation.

Support reductions in greenhouse gas emissions and congestion

88. Planning policies and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.
89. Planning strategies should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:
- accommodate the efficient delivery of goods and supplies
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
 - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
 - consider the needs of disabled people by all modes of transport.
90. A key tool to facilitate this will be a Travel Plan. All developments which generate significant amounts of movement, as determined by local criteria, should be required to provide a Travel Plan.
91. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
92. For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to

undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

93. When setting local standards for residential and non-residential development, local planning authorities should take into account:
 - the accessibility of the development
 - the type, mix and use of development
 - local car ownership; and
 - an overall need to reduce the use of high-emission vehicles.
94. Local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.

Communications infrastructure

Objectives

95. Advanced, high quality communications infrastructure is essential for economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. The Government's objective for the planning system is to facilitate the growth of new and existing telecommunication systems in order to ensure that people have a choice of providers and services, and equitable access to the latest technology.

Facilitate the growth of communications infrastructure

96. In preparing Local Plans, local planning authorities should support the expansion of the electronic communications networks, including telecommunications and high speed broadband. They should aim to keep the numbers of radio and telecommunications' masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
97. Local planning authorities should not impose a ban on new telecommunications' development in certain areas, impose blanket Article 4 directions over a wide area or wide range of telecommunications development or insist on minimum distances between new telecommunications development and existing development. They should ensure that:
- communications infrastructure does not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
 - construction of new buildings or other structures does not cause interference with broadcast and telecommunications services.
98. Applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome or technical site; and

- for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guidelines; or
 - for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
99. Local planning authorities should not question whether the service to be provided is needed nor seek to prevent competition between operators, but must determine applications on planning grounds.

Minerals

Objectives

100. Minerals are essential to support sustainable economic growth. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. The Government's objective for the planning system is to:

- secure an adequate and steady supply of indigenous minerals needed to support sustainable growth, whilst encouraging the recycling of suitable materials to minimise the requirement for new primary extraction; and
- facilitate sustainable use of energy minerals.

Secure an adequate supply of minerals

101. In preparing minerals plans local planning authorities should:

- liaise with neighbouring authorities to co-ordinate the planning of locally important minerals or with more distant authorities where those authorities also host minerals of greater than local importance
- not identify sites or extensions to existing sites for peat extraction
- plan for a steady and adequate supply of land-won aggregates by:
 - taking account of the proposed apportionment of aggregates in the current National and Regional Guidelines, as advised by Aggregate Working Parties, while ensuring planned quantitative allocations of minerals reflect the ability for requirements to be met from sustainable sources including recycling⁴; and
 - using landbanks of permitted reserves to indicate when new permissions for extraction are likely to be needed
- ensure security of supply of industrial and energy minerals to support their likely use in manufacturing processes and energy generation taking account of any national forecasts of requirements and the importance of avoiding local as well as wider scarcity of supply, specifically by:
 - close liaison with other planning authorities where the minerals exist to manage extraction rates and, where appropriate, to encourage safeguarding or stockpiling so that important minerals remain available for use

⁴ Local planning authorities can choose to use alternative figures for preparing their plans if they have new or different information and a robust evidence base.

- allocating sufficient land to maintain landbanks of at least seven years for sand and gravel and at least 10 years for crushed rock, silica sand and brick clay, although longer land banks may be justified in specific circumstances, such as the need to ensure the viability of proposed new investment.

102. Local planning authorities should:

- as far as is practical, ensure sufficient levels of permitted reserves are available from outside National Parks, the Broads, Areas of Outstanding Natural Beauty, **and** World Heritage sites, **scheduled monuments and conservation areas**
- ensure that large landbanks bound up in very few sites do not stifle competition
- define Minerals Safeguarding Areas in order that proven resources are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked. This should include known locations of specific minerals of local and national importance, such as aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), salt, fluorspar, coal, kaolin, ball clay, potash and local minerals of importance to heritage assets **and local distinctiveness**
- safeguard:
 - existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and
 - existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material
- contain policies to encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas
- set out environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from tip- and quarry-slope stability, differential settlement of quarry backfill, **mining subsidence** and migration of contamination from the site
- when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and

- put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place **maintaining or enhancing the landscape** including for agriculture, biodiversity, native woodland, **the historic environment** and recreation.

103. When determining planning applications, local planning authorities should:

- give significant weight to the benefits of the mineral extraction, including to the economy
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and bear in mind the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations caused by mineral extraction are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties
- not grant planning permission for peat extraction from new or extended sites
- provide for restoration to be carried out to high environmental standards, through the application of appropriate conditions and obligations, where necessary
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes; and
- consider **how to meet any demand for allowing** small-scale extraction of building stone at, or close to, relic quarries **needed for where it would contribute to the repair of heritage assets historic buildings, taking account of the need without compromising the requirement** to protect designated sites.

Facilitate sustainable use of energy minerals

104. In addition to the general policies on minerals, local planning authorities should:

- encourage underground gas and carbon storage if local geological circumstances indicate its feasibility
- encourage capture and use of methane from coal mines in coalfield areas
- when planning for on-shore oil and gas development, clearly distinguish between the three phases (exploration, appraisal and production) and

address constraints on production and processing within areas that are licensed for oil and gas exploration or production; and

- provide for coal producers to extract separately, and if necessary stockpile, fireclay reserves so that it remains available for use; and
- indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable.

105. When determining planning applications, planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.

106. For the extraction of coal, there should be a presumption against development unless:

- the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or, if not
- it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.³⁰ | Draft National Planning Policy Framework

Planning for people

Housing

Objectives

107. The Government's key housing objective is to increase significantly the delivery of new homes. Everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live. This means:

- increasing the supply of housing
- delivering a wide choice of high quality homes that people want and need
- widening opportunities for home ownership; and
- creating sustainable, inclusive and mixed communities, including through the regeneration and renewal of areas of poor housing.

108. To enable this, the planning system should aim to deliver a sufficient quantity, quality and range of housing consistent with the land use principles and other policies of this Framework.

Significantly increasing the supply of housing

109. To boost the supply of housing, local planning authorities should:

- use an evidence-base to ensure that their Local Plan meets the full requirements for market and affordable housing in the housing market area, including identifying key sites which are critical to the delivery of the housing strategy over the plan period
- identify and maintain a rolling supply of specific deliverable⁵ sites sufficient to provide five years worth of housing against their housing requirements. The supply should include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land
- identify a supply of specific, developable⁶ sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15
- not make allowance for windfall sites in the first 10 years of supply, or in the rolling five-year supply, unless they can provide compelling

⁵ To be considered deliverable, sites should at the point of adoption of the Local Plan be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable i.e. that it would provide acceptable returns to a willing landowner and a willing developer based on current values and taking account of all likely infrastructure, standards and other costs.

⁶ To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

evidence of genuine local circumstances that prevent specific sites being identified. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends

- illustrate the expected rate of housing delivery through a housing trajectory for the plan period and, for market housing, set out a housing implementation strategy describing how they will maintain delivery of a five-year supply of housing land to meet their housing target
- set out their own approach to housing density to reflect local circumstances; and
- identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers.

110. The presumption in favour of sustainable development means that Local Plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. **In cases where the historic environment policies apply, development that would cause harm should only be permitted where a balanced assessment in accordance with those policies justifies it.** Applications should be considered in accordance with the presumption. ~~Planning permission should be granted where~~ Relevant local plan policies that are out of date **should not be applied**, for example where a local authority cannot demonstrate an up-to-date five-year supply of deliverable housing sites.

Deliver a wide choice of quality homes

111. To deliver a wide choice of quality homes and widen opportunities for home ownership, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as families with children, the elderly and people with disabilities)
 - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
 - where they have identified affordable housing is required, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.
112. In rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local

requirements, particularly for affordable housing. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. To promote sustainable development, housing in rural areas should not be located in places distant from local services.

113. However, local planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or

where such development would represent the optimum viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets ~~ensure the future of buildings of special architectural or historic interest~~; or

- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or the innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
 - reflect the highest standards in architecture
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

Design

Objectives

114. The Government attaches great importance to the design of the built environment. Good design is indivisible from good planning and should contribute positively to making places better for people. The Government's objective for the planning system is to promote good design that ensures attractive, usable and durable places. This is a key element in achieving sustainable development.

Deliver high quality design

115. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

116. Local Plans, including any neighbourhood plans, should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its present defining characteristics, **including its historic character**. Planning policies and decisions should aim to ensure that developments:

- ensure that a place will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks
- respond to local character and reflect the identity **and history** of local surroundings, while not preventing or discouraging appropriate innovation
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping **sensitive to their context**.

117. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, **materials** and access of new development in relation to neighbouring buildings and the local area more generally.

118. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
119. Although visual appearance and the architecture of individual buildings are important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
120. Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review⁷.
121. In determining applications, significant weight should be given to truly outstanding or innovative designs which help raise the standard of design more generally in the area. Permission should be refused for development of obviously poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
122. Developers will be expected to work closely with those directly affected by their proposals to evolve design proposals that take account of the views of the community. Proposals that can demonstrate good engagement with the community in developing the design of the new development should be looked on more favourably.
123. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, **taking account of cumulative impacts**.

⁷ 7 Currently provided by Design Council Caba

Sustainable communities

Objectives

124. The Government's objective is to create strong, vibrant and healthy communities, by creating a good quality built environment, with accessible local services that reflect community needs and support well-being. To achieve this objective the planning system should:

- create a built environment that facilitates social interaction and inclusive communities
- deliver the right community facilities, schools, hospitals and services to meet local needs; and
- ensure access to open spaces and recreational facilities that promote the health and well-being of the community.
- **Recognise that historic areas provide mixed and flexible patterns of land use that may be and remain sustainable.**

Facilitate social interaction and inclusive communities

125. The planning system can play an important role in facilitating social interaction and creating inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of local and neighbourhood plans and in planning decisions. Planning policies and decisions, in turn, should aim to design places which promote:

- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments which bring together those who work, live and play in the vicinity
- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Deliver community facilities and local services

126. To deliver the facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and integration of community facilities (such as local shops, meeting places, public houses and places of

worship) and other local services to enhance the sustainability of communities and residential environments

- safeguard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure that housing is developed in suitable locations which offer a range of community facilities and good access to key services and infrastructure. Where large scale development is proposed in less sustainable locations, local planning authorities should require investment to improve the sustainability of the site.

127. Local authorities should take a proactive, positive and collaborative approach to the development of schools by working with schools promoters to identify and resolve key issues before applications are submitted. In determining planning applications for schools, local planning authorities should:

- attach very significant weight to the desirability of establishing new schools and to enabling local people to do so
- seek to mitigate any negative impacts of development through the use of planning conditions or planning obligations, as appropriate; and
- only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area.

Deliver open space, sports and recreational facilities

128. Access to good quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. The planning system has a role in helping to create an environment where activities are made easier and public health can be improved. Planning policies should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. The information gained from this assessment of needs and opportunities should be used to set locally derived standards for the provision of open space, sports and recreational facilities. Planning policies should protect and enhance rights of way and access.

129. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the need for and benefits of the development clearly outweigh the loss.

130. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and planned so that they are capable of enduring beyond the end of the plan period.
131. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:
- where the green space is in reasonably close proximity to a centre of population or urban area
 - where the green area is demonstrably special to a local community and holds a particular local significance because of its beauty, historic ~~significance importance~~, recreational value, tranquillity or richness of its wildlife
 - where the green area concerned is local in character and is not an extensive tract of land; and
 - if the designation does not overlap with Green Belt.
132. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.

Green Belt

Objectives

133. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
134. Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas
 - to prevent neighbouring towns merging into one another
 - to assist in safeguarding the countryside from encroachment
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
135. Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; provide opportunities for outdoor sport and recreation; retain and enhance landscapes, visual amenity and biodiversity; or improve damaged and derelict land.

Designation of Green Belts

136. The general extent of Green Belts across the country is already established. It should not be necessary to designate new Green Belts except in exceptional circumstances. If proposing a new Green Belt, local planning authorities should:
- demonstrate why normal planning and development management policies would not be adequate
 - set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary
 - show what the consequences of the proposal would be for sustainable development
 - demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and
 - show how the Green Belt would meet the other objectives of the Framework.

137. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances.
138. The appropriateness of existing Green Belt boundaries should only be considered when a Local Plan is being prepared or reviewed. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.
139. When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.
140. When defining boundaries, local planning authorities should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development
 - not include land which it is unnecessary to keep permanently open
 - where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period
 - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a local plan review which proposes the development
 - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
 - define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.
141. If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.
142. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

143. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
144. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
- buildings for agriculture and forestry
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the **original** building
 - the replacement of a building, provided the new building is not materially larger than the one it replaces
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (excluding temporary buildings), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
145. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction
 - engineering operations
 - local transport infrastructure which can demonstrate a requirement for a Green Belt location
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.
146. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider

environmental benefits associated with increased production of energy from renewable sources.

147. Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. An approved Community Forest plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts.

Planning for places

Climate change, flooding and coastal change

Objectives

148. The Government's objective is that planning should fully support the transition to a low carbon economy in a changing climate, taking full account of flood risk and coastal change. To achieve this objective, the planning system should aim to:

- secure, consistent with the Government's published objectives, radical reductions in greenhouse gas emissions, through the appropriate location and layout of new development, and active support for energy efficiency improvements to existing buildings and the delivery of renewable and low-carbon energy infrastructure
- minimise vulnerability and provide resilience to impacts arising from climate change
- avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk or where development is necessary, making it safe without increasing flood risk elsewhere; and
- reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast.

149. To this end, local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.

Support cuts in greenhouse gas emissions

150. To support the move to a low-carbon economy, local planning authorities should:

- plan for new development in locations and ways which reduce greenhouse gas emissions; and
- when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
- **Recognise that reusing existing buildings (including heritage assets) reduces waste and energy consumption.**

151. Local planning authorities should not refuse planning permission for ~~well-~~**designed** buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape **where those concerns have been mitigated by good design** unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting, and this harm is not

outweighed by the proposal's ~~wider social, economic and~~ environmental benefits.

Support the delivery of renewable and low-carbon energy

152. To help increase the use and supply of renewable and low-carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low-carbon sources. They should:

- have a positive strategy to promote energy from renewable and low-carbon sources, including deep geothermal energy
- design their policies to maximise renewable and low-carbon energy development while ensuring that adverse impacts are addressed satisfactorily
- consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources⁸
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

153. When determining planning applications, local planning authorities should apply the presumption in favour of sustainable development and:

- not require applicants for energy development to demonstrate the overall need for renewable or low-carbon energy and also recognise that even small-scale projects **can** provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once opportunity areas for renewable and low-carbon energy have been mapped in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying opportunity areas.

⁸

In assessing the likely impacts of potential wind energy development in broad areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). Where plans identify areas as suitable for renewable and low-carbon energy development, they should make clear what criteria have determined their selection, including for what size of development the areas are considered suitable.

Minimise vulnerability to climate change and manage the risk of flooding

154. New development should be planned to avoid increased vulnerability to impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
155. Local Plans must be supported by strategic flood risk assessment and develop policies to manage flood risk, taking account of advice from the Environment Agency.
156. Local Plans should apply a sequential, risk-based approach to the location of development to avoid flood risk to people and property where possible, and manage any residual risk, taking account of the impacts of climate change, by:
- applying the Sequential Test⁹
 - if necessary, applying the Exception Test¹⁰
 - safeguarding land from development that is required for current and future flood management
 - using opportunities offered by new development to reduce the causes and impacts of flooding; and
 - where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.
157. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development in flood risk areas appropriate where informed by a site-specific flood risk assessment¹¹ following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

⁹ The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from other forms of flooding. The Sequential Test should not be applied to minor development and changes of use.

¹⁰ 10 If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed: a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and b) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.

¹¹ A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3 and

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed; and it gives priority to the use of sustainable drainage systems.

158. For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the sequential test. Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.

Manage risk from coastal change

159. In coastal areas, local planning authorities should take account of marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries.

160. Local planning authorities should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast. Planning authorities should:

- be clear as to what development will be appropriate in such areas and in what circumstances; and
- make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.

161. When assessing applications, authorities should consider development in a Coastal Change Management Area appropriate where it is demonstrated that:

- it will be safe over its planned lifetime and will not have an unacceptable impact on coastal change
- the character of the coast including designations is not compromised
- the development provides wider sustainability benefits; and
- the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.

162. Local planning authorities should also ensure appropriate development in a Coastal Change Management Area is not impacted by coastal change by limiting the planned life-time of the proposed development through

temporary permission and restoration conditions where necessary to reduce the risk to people and the development.

Natural environment

Objectives

163. The Government's objective is that planning should help to deliver a healthy natural environment for the benefit of everyone and safe places which promote wellbeing.
164. To achieve this objective, the planning system should aim to conserve and enhance the natural and local environment by:
- protecting valued landscapes
 - minimising impacts on biodiversity and providing net gains in biodiversity, where possible; and
 - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability.
165. In preparing plans to meet development requirements, the aim should be to minimise adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value where practical, having regard to other policies in the Framework including the presumption in favour of sustainable development. Plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
166. To this end, local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites¹².

Protect valued landscape

167. Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure
- maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as

¹² National sites comprise Sites of Special Scientific Interest, which should be given a high degree of protection. Circular 06/2005 provides further guidance in respect of statutory obligations for biological conservation and their impact within the planning system.

Heritage Coast, and improve public access to and enjoyment of the coast

- take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations or the Local Plan's growth strategy and where poorer quality land is unavailable or unsuitable
- **Should seek to protect and enhance the quality, character and amenity value of the countryside and urban area as a whole**
- give great weight to protecting landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The conservation of wildlife and **the historic environment cultural heritage** are important considerations in all these areas, and should be given great weight ~~in National Parks and the Broads~~. Planning permission should be refused for major developments in designated areas except in exceptional circumstances where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
 - the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the **natural and historic** environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Minimise impacts on biodiversity and geodiversity

168. Planning policies should:

- take account of the need to plan for biodiversity at a landscape-scale across local authority boundaries
- identify and map components of the local ecological networks, including: international, national and local sites of importance for biodiversity, and areas identified by local partnerships for habitat restoration or creation
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the recovery of priority species populations,

linked to national and local targets¹³; and identify suitable indicators for monitoring biodiversity in the plan; and

- aim to prevent harm to geological conservation interests.

169. When determining planning applications in accordance with the Local Plan and the presumption in favour of sustainable development, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted
- opportunities to incorporate biodiversity in and around developments should be encouraged
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation
 - listed or proposed Ramsar sites¹⁴; and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

170. Development likely to have a significant effect on sites protected under the Birds and Habitats Directives would not be sustainable under the terms of the presumption in favour of sustainable development.

¹³ Including those identified by local biodiversity partnerships.

¹⁴ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

Preventing unacceptable risks from pollution and land instability

171. Local policies and decisions should ensure that:

- new development is appropriate for its location, having regard to the effects of pollution on health, the natural environment or general amenity, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution; and
- the site is suitable for its new use taking account of ground conditions, pollution arising from previous uses and any proposals for land remediation¹⁵.

172. In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

173. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions, while recognising that many developments will create some noise; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

174. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

175. By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

¹⁵ As a minimum, the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Historic environment

Objectives

176. The Government's objective is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations **as a non-renewable resource**.
177. ~~Sustainable development To achieve this, the Government's objectives for planning for the historic environment~~¹⁶ **will are to:**
- conserve heritage assets in a manner appropriate to their significance; **and**
 - **where possible, put heritage assets to an appropriate and viable use consistent with their conservation;**
 - **build upon the spirit and character of a place that derives from its history; and**
 - contribute to our knowledge and understanding of our past by capturing evidence from the historic environment and making this publicly available, particularly where a heritage asset is to be lost.

Conserve heritage assets

178. Local planning authorities should set out a **positive and proactive** strategy **and supporting policies** for the conservation and enjoyment of the historic environment **in their local plan**, including heritage assets most at risk through neglect, decay or other threats. In developing this strategy, local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets
 - the wider social, cultural, economic and environmental **sustainability** benefits that conservation of the historic environment can bring; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- ~~179. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status and that the concept of conservation areas is not devalued through the designation of areas that lack special interest.~~

¹⁶ The principles and policies set out in the **NPPF that apply to the historic environment** apply to the heritage-related consent regimes for which planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and development management decisions. **Further policy guidance on World Heritage Sites is contained in Circular 07/09**

180. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand 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 **and sufficient information produced to enable a decision to be made**. Where an application site 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.
181. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should use this assessment when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
182. Where there is evidence of deliberate neglect of or damage to a heritage asset **done in the hope of obtaining a consent**, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 182A In all relevant cases account should be taken of the desirability of sustaining and enhancing the significance of heritage assets; their potential to make a positive contribution to sustainable communities; and the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment.**
183. When considering the impact of a proposed development on a designated heritage **asset or its setting, great considerable importance and** weight should be given to its conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
184. Where the application will lead to substantial harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and

- no viable use of the heritage asset itself can be found in the medium term **through appropriate marketing** that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is **demonstrably** not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

184A Less than substantial harm should be weighed against the public benefits of the proposal. Securing the optimum viable use of a heritage asset is a public benefit.

185. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the presumption in favour of sustainable development, the scale of any harm or loss and the significance of the heritage asset.
186. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
187. Loss of a building (or other non-designated heritage asset) that makes a positive contribution to a Conservation Area or World Heritage Site should also be treated as substantial harm to a designated heritage asset.
188. Local planning authorities should look for opportunities **for new development within to enhance or better reveal the significance of** Conservation Areas and World Heritage Sites **and within the setting of heritage assets to enhance or better reveal their significance.** ~~When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications~~ Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset **should be treated favourably.**
189. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments (**whether capable of designation as such, or not**), should be considered subject to the policies for designated heritage assets.
190. Local planning authorities should assess whether the benefits of an application for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Contribute to knowledge and understanding of the past

191. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. **Through conditions and**

obligations, they should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible¹⁷. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

¹⁷ Copies of evidence should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository.

Glossary

Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

- *Social rented housing* is owned by local authorities and private registered providers¹⁸, for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.
- *Affordable rented housing* is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).
- Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as "low cost market" housing, may not be considered, for planning purposes, as affordable housing.

Aggregate Working Parties: Established in the 1970s to identify and consider problems in the supply of aggregates. They provide technical advice in relation to the supply of, and demand for, aggregates (including for sand, gravel and crushed rock).

Archaeological interest: An interest in carrying out an expert investigation at some point in the future into the evidence a heritage asset may hold of past human activity. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. These heritage assets are part of a record of the past that begins with traces of early humans and continues to be created and destroyed.

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

¹⁸ As defined in S80 of the Housing and Regeneration Act 2008.

Birds and Habitats Directives: Council Directive on the conservation of wild birds of 2 April 1979 (79/409/EEC) and 2009/147/EC, and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora of 21 May 1992.

Climate change mitigation and adaption: Involves adjustments to natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.

Coastal change: Physical change to the shoreline i.e. erosion, coastal landslip, permanent inundation and coastal accretion.

Coastal Change Management Area: Areas likely to be affected by physical changes to the coast – local authorities should identify these areas.

Conservation: The process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance.

Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated as such under the relevant legislation.

Ecological networks: These link sites of biodiversity importance and provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment.

Edge of centre: For retail purposes, a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area. For all other main town centre uses, this is likely to be within 300 metres of a town centre boundary. In determining whether a site falls within the definition of edge-of-centre, account should be taken of local circumstances.

Enabling development: Development that would be unacceptable in planning terms but for the fact that it would bring heritage benefits, which would not otherwise be achieved, sufficient to justify it being carried out.

European site: means candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas (for advice on statutory obligations affecting biodiversity and geological conservation, see Circular 06/2005).

Flood risk mitigation: Managing and reducing the risk of flooding to communities and business.

General conformity: Case law in planning tends to indicate that a policy is in general conformity if it upholds the general principle of the policy or issue it is concerned with. Therefore in a neighbourhood planning context, “general conformity” provides a vital element of flexibility in the system. It is not strict conformity with every single strategic policy but overall conformity with the strategic policies of the plan. In each case the local authority and independent examiner will need to come to a view as to whether this test has been satisfied.

General Permitted Development Order: A number of forms of telecommunications development which are permitted under the General Permitted Development Order are subject to a 56 day prior approval procedure. For such types of development the developer must apply to the local planning authority for its determination as to whether prior approval will be required as to the siting and appearance of the proposed development.

Geological conservation and geodiversity: Relates to sites that are designated for their geology and/or geomorphological importance. Geodiversity is the natural range (diversity) of geological, geomorphological and soil features.

Greenhouse gas emissions: The release of greenhouse gases into the atmosphere. Greenhouse gases 'trap' energy radiated by the Earth within the atmosphere and include carbon dioxide (CO₂), methane, nitrous oxide and fluorinated gases. Carbon dioxide is the main greenhouse gas from the UK.

Heritage assets: A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets and assets identified by the local planning authority during the process of decision-making or through the plan-making process (including local listing).

Heritage Coast: A strip of UK coastline designated as having notable natural beauty or scientific significance.

Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of the historic environment that hold significance are called heritage assets.

Housing density: Density is a measure of the number of dwellings which can be accommodated on a site or in an area.

Housing market areas: Geographical areas defined by household demand and preferences for housing. They reflect the key functional linkages between places where people live and work.

Instrumentation operated in the national interest: Includes meteorological and climate monitoring installations, satellite and radio communication, defence and national security sites and magnetic calibration facilities operated by or on behalf of the Government, delegated authorities or for defence purposes.

Integrated Coastal Zone Management: A process for the management of the coast using an integrated approach, regarding all aspects of the coastal zone, including geographical and political boundaries, to achieve sustainability.

International, national and local sites of importance for biodiversity: All Sites of Special Scientific Interest, Special Areas of Conservation, Special Protection Areas, and Ramsar sites, Local Sites and natural habitats (as

identified in the Natural Environment and Rural Communities Act 2006 section 41 list) and areas identified for habitat restoration and creation.

Market housing: Private housing for rent or for sale, where the price is set in the open market.

Older people: People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Out of centre: A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Pollution: Any consideration of the quality of land, air, water, soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam and odour.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This includes defence buildings, but excludes:

- Land that is or has been occupied by agricultural or forestry buildings.
- Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).

Primary and secondary frontages: Primary frontages are likely to include a high proportion of retail uses. Secondary frontages provide greater opportunities for a diversity of uses.

Primary shopping area: Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are contiguous and closely related to the primary shopping frontage).

Priority habitats and species: The England Biodiversity List under section 41 of the Natural Environment and Rural Communities Act 2006 provides details of all Species and Habitats of Principal Importance.

Ramsar sites: Ramsar sites are wetlands of international importance, designated under the Ramsar Convention.

Renewable and low-carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass. Low-carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Safeguarding zone: As defined in Circular 01/03 on safeguarding aerodromes, technical sites and military explosives storage areas.

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance of heritage assets: The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Special Areas of Conservation: Areas which have been given special protection under the European Union's Habitats Directive. They provide increased protection to a variety of wild animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.

Special Protection Areas: Special Protection Areas are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the 'Birds Directive 1979' which provides enhanced protection given by the Site of Special Scientific Interest status all Special Protection Areas also hold.

Strategic Housing Land Availability Assessment: The primary role of this assessment is to identify sites with potential for housing; assess their housing potential; and assess when they are likely to be developed.

Strategic Housing Market Assessment: A key part of the evidence base required to ensure the delivery of housing that meets the needs of communities now and in years to come.

Sustainable drainage systems: Sustainable Drainage Systems cover the whole range of sustainable approaches to surface drainage management including: source control measures including rainwater recycling and drainage;

infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities; filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns; filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed; and basins and ponds to hold excess water after rain and allow controlled discharge that avoids flooding.

Sustainable transport modes: Any means of transport with low impact on the environment, including walking and cycling, green or low emission vehicles, car sharing and public transport.

Town centre: Defined area, including the primary shopping centre area and areas of predominantly leisure, business and other main town centre uses within or adjacent to the primary shopping area. The extent of the town centre should be defined on the proposals map.

Veteran tree: A tree which, because of its great age, size or condition is of exceptional value culturally, in the landscape or for wildlife.

English Heritage's NPPF consultation response: detailed comments on the draft National Planning Policy Framework

This document is accompanied by a version of the NPPF consultation draft with EH's suggested amendments as mentioned in this commentary.

The paragraph numbering is the same as in the NPPF consultation draft.

14. English Heritage is very concerned at how one matches the precautionary approach to handling non-renewable resources, such as heritage assets, as set out in the heritage section with the permissiveness of one element of the definition of the presumption in favour of sustainable development. Para 14 requires local authorities to grant permission 'unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits' (our emphasis). It is at the very least not clear to us how a decision-maker would resolve this presumption with the heritage policies in the historic environment section: 'considerable weight should be given to ... conservation'; 'any harm or loss should require clear and convincing justification'; 'substantial harm.....should be wholly exceptional'; and 'substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'.

In short, under the historic environment section public benefits have to demonstrably outweigh the harm, whereas under para 14 the harm has to 'significantly and demonstrably' outweigh the benefits. This internal conflict needs resolution.

The problem arises from the phrase "significantly and demonstrably". If the requirement was to give permission if the benefits outweighed the harm then this would not be in logical conflict with the policies in the heritage and other sections. As it is, the harm might outweigh the benefits by a bit, but permission should still be given, notwithstanding the precautionary approach that has been taken to heritage protection for decades, as embodied in the historic environment section.

Changes to this paragraph obviously have implications well beyond heritage conservation. If changing the "significantly and demonstrably outweigh" phrase is undesirable for other reasons, then we suggest the addition of a sentence to make clear the more cautious approach set out in the historic environment section should apply in limited circumstances.

The same formula appears also in paragraphs 20 and 110 and so we have added the same clarification text to respect the approach of the historic environment policies.

If the drafting is not changed, there would be a raft of decisions that under PPS5 would favour conservation and that under the NPPF would favour harmful development. The sense of balance of PPS5 and its predecessor policies would be altered. As such the protection of the historic environment would be substantially reduced. This is a major concern for English Heritage.

In any event, we are not clear as to what the use of the word “demonstrably” in this paragraph means in practice. Who has the responsibility to demonstrate that the adverse impacts? Other policies elsewhere, including in the historic environment section, set out the burden of proof in more detail and there is a danger of that clarity being lost or overridden by this phraseology.

We are also concerned by the phrase “approve all individual proposals wherever possible” in the first paragraph. It is not clear what the implication is for the weight to be given to the policies within the NPPF.

17. English Heritage believes the last bullet-point may mislead neighbourhood fora by suggesting that NDOs need only be consistent with the neighbourhood plan. They have to conform to local plans, be appropriate in light of the NPPF and take into account the statutory heritage tests, of course, hence the reference to the ‘basic conditions’, being those expressed in paragraph 8(2) of schedule 4B to be inserted into the Town and Country Planning Act 1990 by the Localism Bill. It may be preferable to include a footnote or glossary definition of ‘basic conditions’ to identify where they may be found.
19. This paragraph (second bullet) again emphasises the obligation to say ‘yes’ to planning applications. The condition is that the proposal must not compromise the “key” sustainability principles in the Framework. This begs the question as to what the “key” principles are. If it is all of them then there is no need for it to say “key”. If it is less than all of them, which are the key ones and why are there policies in the Framework that are not key and are not therefore in effect to have any impact on decisions? English Heritage suggests deletion of the word “key”.

The fourth bullet-point refers to “environmental quality”. We suggest extending this to “environmental character and quality” so as to encompass more clearly the contribution the historic environment can make to the local scene.

The seventh bullet-point refers to policies ‘enabling’ the reuse of existing resources. PPS5 is much more positive on the advantages of reuse when it comes to avoiding waste as well as the importance of finding viable uses for historic buildings. English Heritage suggests changing “enable” to “encourage” in the first line.

20. This contains the same formula as paragraph 14 and the same comments and suggested amendment apply.
21. English Heritage is in favour of the use of supplementary planning documents for the historic environment where they can be used, at a more localised level, to bring clarity and particularity to what is likely to be acceptable. Used in this way they can make planning a more efficient system, leading to higher levels of approval and speedier decisions. We think this is what is meant by bringing forward sustainable development “at an accelerated rate”, but we and others have interpreted this as perhaps meaning that SPDs can only be used if it is clear they would permit a greater volume of development only. We have suggested a change that would recommend their use where they improve the efficiency of the system.

23. We wonder if this paragraph might explicitly say that in setting such local strategic priorities the local authority is giving local expression to the definition of “sustainable development”
24. In the sixth bullet point there is reference to land which it is “genuinely important to protect from development for instance because of its ... historic value” (our emphasis added). It is not clear to us what the difference would be between land that it is important to protect and land that it is genuinely important to protect and therefore the application of this policy could be a source of argument. We suggest deleting the word “genuinely”.

On a point of consistency with the rest of the document, in the same bullet, the reference should be to “historic significance” not “value”.

There are still a few references in the document to the “environment” when it is still not clear what aspects of the environment it is intended to refer to. We presume in the last bullet-point the reference is to the natural, built and historic environment, as it is in paragraph 10 (third bullet).

27. As this paragraph is concerned with the generality of evidence requirements, it should be entirely clear that reference in this paragraph to “environmental characteristics” applies to the historic environment as well as other aspects.
34. The possible confusion with what is meant by “environment” throughout the document will not be aided by the title to this section when it is solely about the natural environment and not the generality. Alternatively, the following section on the historic environment could be brought into this section, allowing the general comments about proportionality in paragraph 36, for example, to apply to historic environment evidence gathering as well as it does to other aspects of the environment.
37. In the preceding paragraphs there are general comments about environmental assessment that apply equally to the historic environment. We suggest deleting the heading and moving the paragraph up so as to avoid the suggestion that those general policies do not apply to the historic environment and that only this paragraph does.
39. We believe the implications of this policy are unclear and go beyond its intention. The implications of the current wording could be serious for the level of heritage protection. For some sites within a land allocation heritage protection policies in the NPPF may make development of that type in that location non-viable and other uses may need to be considered. Sound heritage protection has always relied upon flexibility in land allocation, both in terms of what you can and cannot do in that location. This need for flexibility derives simply from the fact that you cannot move heritage assets, by definition, and so restrictions such as changes of use and development within their setting need to be considered on a case-by-case basis. This blanket policy would push away heritage protection from sites within land allocations. We believe the intention is not to do this, but to ensure that non-environmental protection policies that apply to the land use, such as CIL and affordable housing requirements (as mentioned in the policy) should not be applied to a degree that defeats the objectives of the land allocation in the first place. We could, of course, have restricted the suggested amendment to historic environment policies only, but it is clearly a point that would apply to all environmental policies within the NPPF

42. We are not entirely clear if this paragraph is referring to evidence supporting the local plan or just evidence supporting the viability and deliverability assessment. If the latter then can we suggest for clarity that it is moved to be an additional sentence in the previous paragraph.
48. Whilst we would agree that the evidence base for local plans should be proportionate, we also believe it should be robust in the sense that the evidence should be credible and not readily open to challenge and criticism. PPS12 refers to the need for robust and credible evidence in several places, including in the test of soundness.
64. There is no sense within this policy of when impacts from a local development order would be acceptable. If it left the historic environment without the protection afforded by the NPPF, we presume that it would not be acceptable to that extent. We have amended the policy to provide that indication. Also, use of the phrase "local amenity" in relation to the use of article 4 directions is a little ambiguous. We have suggested an amendment to go some way to replicating the effect of HE4.1.
65. There is a serious threat from NDOs to nationally important but undesignated archaeology. We have previously pressed for clarity on the face of the Localism Bill that NDOs could not take these sites out of protection. This request was met with a response that it could be dealt with in the NPPF.

Whilst the heritage section of the policy still offers these sites protection in planning decisions, and the NPPF does have to be taken into account in deciding an NDO, the NPPF is not effective to protect these sites from the effect of an NDO as it stands. These are nationally or internationally important sites that could be scheduled and would have to be scheduled as monuments if they were not protected by the planning system.

The reasons why the policies within the heritage section would be insufficient to protect them are twofold:

1. The information requirements within the heritage section if applied strictly to all sites within a neighbourhood are likely to be disproportionate and therefore the information brought forward with an NDO is likely to be less than would be the case for a planning application affecting one site. There is therefore a real risk of impacts on nationally important archaeological sites being missed from the consideration of the NDO.
2. The policy approach to protection within the heritage section is to balance public benefits against harm to these sites (as they are equivalent to designated sites). An NDO is removing the requirement to apply for planning permission. It does not consider the benefits of the development that may be permitted within its scope. It is clearly desired by the neighbourhood who bring the NDO forward, but the heritage policy does not permit their desires to be taken into account. So it is unclear how these sites would be considered under the NPPF policies when an NDO is brought forward, assuming their existence is acknowledged at all.

Our amendment puts physical impacts through NDOs beyond question, so that NDOs pose no threat to these acknowledged nationally important sites.

If the threat is not removed, Government is likely to come under serious pressure to schedule sites currently adequately protected through the planning system. Scheduling is an expensive and time-consuming process. It imposes a very strict regime. It has been avoided for the estimated 80,000 non-scheduled but nationally important archaeological sites because of the costs to the owner and the taxpayer in managing them under an unnecessarily onerous regime. The Secretary of State's discretion as to whether to schedule is not unlimited. If the site is at risk because the protection from the planning system is to be removed, that discretion may be very limited. Any scheduling that is done in reaction to an NDO will lead to the compensation being payable by Government. Understanding those consequences is going to put more pressure on DCMS to schedule more of the 80,000 currently unscheduled sites on a proactive basis, creating further unnecessary work and management post-scheduling.

73. It should be made clear that the burden of planning policies referred to is that from local plan policies, as presumably Government does not believe its own national policies present an excessive burden. To avoid arguments that national policies are only to be applied unless they become an over-burden, this should be made clear in the document.
74. The suggestion in this paragraph is that where the proposal is for economic development, the proposal only has to overcome "substantial" objections, so that the balanced approach required by the heritage section is overridden. The argument that can clearly be raised on the present wording is that minor harm to a listed building, say, was not a substantial planning objection and therefore should not be considered. In comparison, the heritage section requires it to be taken into account in achieving the overarching objective of conservation. This internal inconsistency can be resolved by the deletion of the word "substantial".
75. We presume that reference in this policy to "designated land or buildings" means designated for a particular use or class of uses by the local plan, and not designated heritage assets. This should be made clear.
76. The requirement that leisure and retail needs be met in full is worded as an absolute requirement. We presume it is meant to be subject to environmental constraints rather than being a paramount policy consideration without need to heed other important considerations.
81. Current planning constraints in the countryside can inhibit business reuse of isolated redundant historic buildings which will otherwise become derelict. We suggest a new bullet-point that promotes sustainable business reuse.
102. In the first bullet we are concerned that the policy implication here is that if it is not "practical" to find sufficient reserves outside of these protected areas then there is a presumption that they will get permission for extraction within these areas. Of course, they might, but proper weight should be given to the environmental impacts, including on the historic environment. This implication needs to be addressed.

In the third bullet we suggest adding reference to 'local distinctiveness' as that is a separate reason for maintaining material availability over and above the

need for individual heritage assets. It is about the local and regional character of properties, however old.

In the sixth bullet, unacceptable impacts should include mining subsidence as this is a significant threat to heritage assets.

In the eighth bullet point, to reflect the current protection for the historic environment in MPG7, the policy needs to be reworded to ensure that restoration and after-care maintains and in some circumstances enhances the historic and other aspects of the environment.

- 103 The fifth bullet should refer to obligations as well as conditions, as is the case in paragraph 106. A s106 agreement is how these are mostly secured.

The seventh bullet-point raises an important point about materials for the maintenance of historic buildings (as established in existing policy). However, its absolute caveat about not compromising designated sites does not need to be quite so uncompromising. Obviously weight (great or otherwise) will need to be given to their protection, as set out elsewhere in the NPPF. It is sufficient if account is taken of the designation. Also, as with other market demands, such as housing, the planning authority ought to be obliged to consider facilitating the relevant demand.

- 110 The same formula of words is used as appears in paragraph 14 and for the reasons set out against that paragraph above, we suggest the same amendment.. The final sentence suggests that where local plan housing policies are out of date then planning permission should be granted without regard to the Framework or other material considerations. Obviously this not consistent with paragraph 14. We have suggested alternative wording to make it clear that the intention is that the out of date policies alone should be ignored.

- 113 Whilst the exceptions stated in the second and third bullet-points are wholly appropriate and obviously to be encouraged in the right circumstances, there is a real danger that they will be interpreted as self-contained policies within themselves. The amendments seek to ensure that consideration of the 'special circumstances' exception to the 'no-isolated-homes' rule includes consideration of the historic environment policies as well. Without these changes we would have serious concerns about the number of potentially damaging conversions and new-builds that may take place in the countryside without proper heritage justification. The historic buildings may have a viable future without conversion or new build and this needs to be properly tested in accordance with the well-established principles.

116. The historic environment section of the NPPF is missing policies on the design considerations when developing within an historic area. There is nothing in that section that reflects the policies with HE3.1, HE7.4 and HE7.5 of PPS5. This is a serious shortcoming. That said, the design section of the NPPF could readily make good this deficiency if express reference is made to the historic environment to ensure that it is clear it should be taken into account in the general considerations of character and context for new design.

117. Materials are key to historic character and to the harmony of new and old development. Design guides should take this into account. See HE7.5 of PPS5.
123. Cumulatively advertisements can change the character of an area and can thereby cause very substantial harm. The decision-maker is entitled to take into account the cumulative effect on amenity and public safety and we believe this should be expressly referred to in the policy.
124. HE3.1 of PPS5 pointed the local authority to the fact that historic areas are likely to have a sustainable mix of uses and facilities already, as that is why they have survived. In our view, acknowledging this is key to valuing the historic environment properly and offering it equivalent protection to that under PPS5. This was a key issue in the consultation responses on PPS5.
131. To be consistent with the terminology of the heritage section, the reference should be to historic “significance”.
150. Both HE1.1 and HE3.1(iv) acknowledged the importance to climate change mitigation of the reuse of existing buildings, minimising waste and energy consumption in the construction of replacement buildings. This important factor in the overall calculation of the net environmental benefit of development should be acknowledged as important to policy, otherwise it will be overlooked to the detriment of the historic environment generally.
151. This policy is confusing in our view. We presume that by referring to “well-designed” buildings the reader is to understand that we are talking only about buildings that accord with the design policies in the NPPF. If that were the case then there should be no or very little conflict with local townscape as that is a requirement of good design in the NPPF. The policy’s existence suggests that it is advocating permitting schemes that are ‘green’ regardless of how well they have been designed to fit into their surroundings. We presume this is not the intention as there is simply no need to presuppose that ‘very green’ buildings have to be incompatible with their surroundings. We have suggested an amendment that we believe clarifies the intention of the policy.

As regards designated heritage assets, we have deleted reference to social and economic factors outweighing harm. This policy is concerned only with environmental benefits. If it strayed into other areas, it would need to refer to the heritage section where the policy balance to be struck is expressed differently.

153. Whilst there can be no argument of the virtues of renewable or low-carbon energy, we suggest it cannot unequivocally be said that all small-scale projects will provide a contribution. Some are doomed to be more costly in energy to set them up than their lifetime return. It is clearly something that should be considered when looking at the balance between the virtues of a particular project and any negative impact it may have on, say, the historic environment. The change we have made would allow consideration of whether the net effect of a small project is still beneficial.
166. We note the reference to guidance in the footnote. We would appreciate clarification of the role of guidance and the best means of referencing it in the heritage section, where some of the compression of the policy wording has led to some opacity in meaning.

167. Landscapes are of course a composite of natural and historic environment qualities. There is no area of land in England, however naturally beautiful it may be said to be, that is not greatly influenced by man. As such, the policies on landscape do not belong wholly in either the historic or the natural environment sections. One way of dealing with this is to place this paragraph with the Green Belt section after paragraph 147 and give the section the heading “Green Belt and valued landscapes”.

We have suggested adding in a policy that is a reflection of PPS1 paragraph 17. The open countryside, whether designated or not, is a large component of the historic character of England as a whole. The additional policy maintains the requirement to acknowledge the value of the rural and urban landscape.

The fourth bullet-point refers to cultural heritage rather than the ‘historic environment’, which is the term used elsewhere. This is confusing in our view and we recommend it is changed. We appreciate that ‘cultural heritage’ is the term used in legislation in relation to National Parks, but as this is policy, and the terms mean the same anyway, we see no reason why ‘historic environment’ cannot be used. PPS5 referred to the historic environment in this context (see paragraph 5).

Bullet 4 sub-bullet 3, we believe it should be made clear this applies to the natural and historic environment as ‘environment’ alone in this section is likely to be interpreted as ‘natural only’ given the heading.

We have also suggested deleting the second reference to ‘National Parks’ as otherwise it would suggest lesser protection for AONBs. Since 2000 Government has made it clear that AONBs and National Parks are landscapes of equal importance. Unamended, this policy would represent a significant departure from that approach. We do not believe this is intended.

- 176 Reference was made in PPS5 to the guidance that accompanied it. Similar reference is made elsewhere in the NPPF to guidance. Can you please clarify whether the guidance being drafted by the Historic Environment Forum can be badged by CLG and referenced in the NPPF?

There is also no mention in the objectives (as there was in PPS5) that the historic environment is a non-renewable resource – keying its conservation into the definition of sustainable development.

Footnote 16: Some of the policies in PPS5 that are relevant to LBC and CAC decisions are now dispersed throughout the NPPF, such as those on design in context. We suggest the footnote therefore needs to refer to all policies within the NPPF that relate to the historic environment within the NPPF, not just those in the heritage section.

177. Given the overarching definition of ‘sustainable development’ we believe it would be more in keeping with the structure of the NPPF to set out the Government’s objectives in terms of what sustainable development is expected to achieve.

Compared with PPS5 the absence of any positive policies or objectives encouraging the optimum viable use of a listed building is serious. In our view it will be regarded as a worrying omission by owners and developers in

particular, but it is also a serious conservation concern. Very few historic buildings would be maintained if they did not have a viable use and in our view the recognition of the need to find the optimum viable use in most cases should be a clear Government decision-making objective. PPS5 was commended for its content on this aspect. We highly recommend not just the reinstatement of an equivalent to HE9.4 (see comments in below) but also the addition of an objective as set out in the amended text.

We have also suggested a new bullet-point that brings to the fore some of the longer form narrative in PPS5 about the contribution that the historic environment makes to a sense of place and how development can make successful sustainable communities if it builds upon that foundation.

178. HE3.1 of PPS5 requires a positive and proactive strategy for the historic environment. It is very easy to think that conservation is a passive exercise, but long-term conservation is about finding viable uses and regeneration. We have included this phrase and made a couple of other minor amendments to make clear that that the strategy should be supported by policies within the LDF. To be consistent with the phraseology of paragraph 23 of the NPPF, we suggest reference should be made to “strategic policies”.

A minor change to the second bullet-point would provide a useful echo of the policies within HE3.1(v) and HE1.1 concerning the sustainability of re-using historic properties.

179. This paragraph cannot alter the nature of the power and obligation on local authorities to designate conservation areas. If the issue is inconsistency in quality and the possible misuse of conservation area designation to hinder development, we would suggest that guidance on the nature of special interest in conservation areas that would justify designation would oblige greater consistency and create better accountability of local authority actions than this statement does. We suggest deletion.
180. Whilst of course the level of information required from an applicant should be entirely proportionate to the nature of the application and its affect on the historic environment, we would like to see emphasis on the need for sufficient information for the application to be determined in accordance with the policies. This would replicate the principle behind PPS5 policy HE6.3.
182. Without the added words here in our view the policy will be misinterpreted. It is not intended to punish those who simply cannot afford to maintain a property (who may be described as deliberately neglecting). It is only those who neglect or damage a building deliberately to try and obtain a consent who should not be allowed to succeed. The reinstated wording is from PPS5.
- 182A. The development control policies do not cover the policies set out in PPS5 policies HE7.4 and HE7.5. Paragraph 178 requires these factors to be taken into account in local plan policies, but they are also of national importance as they directly affect heritage assets of national importance. They ought, therefore, to be included as NPPF decision-making policies. Without this, there will be a lessening of protection as compared with PPS5.
183. There is a notable difference between the weight to be given to conservation of designated heritage assets in this section of the NPPF and the green belt,

There is a second distinct point relating to setting. We appreciate that the definition of 'significance' has been clarified to include contribution from the setting, but it does not necessarily follow that the policies therefore apply to setting as much as they do the asset. In this paragraph the reference is to the assets themselves as being conserved and not their significance, so we have added in "or its setting". Without this clarity there are bound to be arguments about whether there is a policy at all protecting setting against harmful development. We would, of course, reiterate that whether development is harmful to setting depends entirely on the setting's contribution to the asset's significance and how that contribution is affected. It is not a question of looking at the setting as something that is separate from the asset.

- 184 There is no equivalent policy to HE9.3 from PPS5. Whilst some of HE9.3 can be addressed through guidance, the advantage of HE9.3 is it emphasised the means by which a lack of viable use of the site was to be demonstrated – i.e. by marketing. Marketing has been a key requirement to demonstrate redundancy since PPG15 was brought in. Without such a requirement it is open to applicants to claim, using expert advice, that marketing would be pointless as there is no buyer in prospect in their view. There have been very many decisions that have affirmed the difference that marketing makes – it provides a genuine answer to the question of whether someone is willing to take the asset on. Everything else is speculation, informed though it may be. If marketing was not an express requirement, we predict more buildings and sites would be lost annually – buildings and sites that could have found an owner willing to conserve them. We have amended the text to resolve this concern.

For similar reasons (i.e. requiring proof not assertion) we have suggested an amendment to the requirement to show that conservation through charitable or public support is not possible.

These minor changes would obviate the need for HE9.3 to be replicated in full.

- 184A There is no distinct policy on less than substantial harm. This is a clear omission in comparison to PPS5 (HE9.4). In our view it amounts to a serious reduction in protection levels for the historic environment.

Whilst the general points regarding conservation in paragraph 183 of the draft would apply to minor harm, they are not specific in how it should be handled. In particular, PPS5 makes clear that minor harm may be justified by

outweighing public benefits and that minor alterations to secure the optimum viable use may cause justifiable harm.

Successive minor alterations can be just as damaging to a building or site's conservation as a demolition and so is a matter of national policy concern. It is an area of management that requires careful and consistent handling and the PPS5 policy is appreciated for the fact that it addresses this area of concern.

Without it there would be a perception that the policy approach has changed, but in a way that is unclear as no policy replaces it. It is very likely to be generally perceived as now of less importance and more a matter for local discretion alone. This would amount to an effective reduction in protection for nationally important heritage buildings and sites.

The loss of the policy on how one handles alterations to achieve the optimum viable use of the asset (HE9.4 again) is equally regrettable, in our view, as it leaves the whole historic environment section devoid of any sense of this objective. PPS5 is strong on the need to find viable uses of most heritage assets in the interests of their conservation. We believe constructive conservation should be a core and patent principle of the heritage policies.

Our suggested insertion addresses these concerns.

188. We have amended this paragraph so that it reflects policy HE10.2 in PPS5. We are not aware of any policy intention to move away from the positive requirement within HE10.2.
189. This paragraph needs amending, in our view, to ensure it is clear that sites of archaeological interest offered equivalent protection to designated assets include those that could not technically be scheduled as monuments because of the statutory need for a site to have structure. This was clear on the face of PPS5. There are many well-known sites of recognised national and international importance that would otherwise slip through the gaps in the policy.
191. We believe it should be clear that the requirements in this policy should be secured by conditions or obligations as appropriate.

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