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Defending Historic Buildings

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The Ancient Monuments Society's Response to the Ministry for Housing, Communities and Local Government (MHCLG)'s consultation on draft revisions to the National Planning Policy Framework (NPPF) May 2018

Chapter 1 Introduction

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

The *Ministerial Foreword* to the existing NPPF (March 2012) includes a very useful overview of what is meant by 'sustainable development'. It recognises the importance of achieving 'positive growth', which is "about making economic, social and environmental progress for this and future generations." The impacts which new development can have in the long term are recognised:

Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.

The existing *Foreword* also highlights the importance of community engagement in the planning process. It concludes by saying that sustainable development can only be achieved if communities are actively involved:

By replacing over a thousand pages of national policy with around fifty, written simply and clearly, we are allowing people and communities back into planning.

We consider it essential that the new NPPF is accompanied by a new Ministerial Statement which maintains this dual emphasis on sustainability and community engagement.

The Ancient Monuments Society is a National Amenity Society and, as such, a consultee on all Listed Building Consents involving an element of demolition. Sustainability and community engagement are at the heart of the Society's approach to the protection and enhancement of the historic environment. We believe that communities can only be truly sustainable if they are able to recognise and value the history of the areas – including the built environment – in which they live and, similarly, that historic buildings and places will only survive into the future if they continue to be valued and to enrich and enhance people's everyday lives.

Chapter 1: Introduction

Paragraph 2 states that: "The National Planning Policy Framework [...] is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements."

The Ancient Monuments Society's main concern is with the protection and enhancement of historic buildings and places. The Planning (Listed Buildings and Conservation Areas) Act 1990 is the touchstone of our statutory advice to local authorities, which we supplement with references to the NPPF. In order to address an ongoing source of confusion, the revised *Framework* should be more

explicit in: i. describing its status as planning policy and ii. underscoring the fact that it sits under primary legislation.

Chapter 2 Achieving sustainable development

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

We regret the loss of the introductory paragraph to this section and strongly urge for it to be reinstated in some form. We believe that the inclusion of first principles at the beginning of the document – with reference to international and national policy on sustainable development – strengthens the argument. We see that UN resolution 42/187 is referred to in note 4, but the reference to national policy has been lost. We would welcome Government maintaining its explicit commitment to sustainable development at the onset of the document.

We welcome the retention of a definition of sustainable development in paragraph 7, however we regret the loss of the wording of paragraphs 6 and 8 of the existing NPPF:

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

8. These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

The substance of the existing paragraph 6, namely that the policies included in the NPPF should be taken as a whole, must not be lost: it makes it absolutely clear to the reader that one section of the document cannot be used in isolation from another. It also ensures that all aspects of the *Framework* are given due and proper consideration.

The point about the three roles (now 'obligations') being taken together (paragraph 8) is also of crucial importance – one of the greatest merits of the existing NPPF is that it promotes a balanced approach to sustainable development, one which gives equal weight to social, economic and environmental considerations, and does not promote one strand to the detriment of the other two.

We object to the introduction of paragraph 9 in the revised draft, which suggests that the economic, social and environmental objectives are "not criteria against which every decision should be judged". This goes against the whole premise of the existing NPPF, which is that sustainable development is a "golden thread running through both plan-making and decision-taking", as stated in the existing

paragraph 14. This phrasing is frequently quoted in the operation of the planning system and is a very effective way of putting the point across – it must therefore not be lost.

We are concerned about the new paragraph 11, and in particular points b) and d), which seem to set the bar higher for restricting development. Further details of this are included in the Heritage Alliance’s consultation response, which we have seen and support. We defer to them on this point.

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

We regret the loss of the twelve ‘Core planning principles’ section (paragraph 17). There is significant merit in stating the principles explicitly at the beginning of the NPPF, because these place communities and sustainability at the heart of the decision-making process. The existing NPPF also includes explicit reference to the historic environment:

- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

Reintegrating the principles into the revised NPPF would offer a useful summary of what the document is trying to achieve.

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

The existing introduction to the NPPF provides a strong and convincing argument in favour of sustainable development. It also recognises the importance of communities in achieving that aim. We are concerned that the emphasis on community engagement has been lost in the new draft and are disappointed that the introduction ends with paragraph 14 which, in essence, curtails communities’ right to determine the amount of development which should happen in their areas. While we understand that this has been inserted to reflect the publication of the written Ministerial Statement of 12 December 2016, we are concerned that it will be read as a disincentive for local communities to get involved in the planning process. It also fails to take into account the significant contribution now being made by neighbourhood plans.

Failing to engage at an early stage with communities who have local knowledge and failing to use that knowledge is to ignore information on infrastructure which could affect sustainability, and is therefore contrary to the aims of the NPPF.

Chapter 3 Plan-making

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

No comment.

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

We note that reference to “Local Plans” has been changed to “Plans”. We wonder why this change has been made, as neighbourhood plans ought to come under the policy umbrella of Local Plans.

Communities

The opening paragraph of the Plan-making section of the existing NPPF states that:

150. Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.³²

The “vision and aspirations of local communities” is given prominence and is described as a driver for the process of plan-making. This is further emphasised in paragraph 155:

155. 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 sustainable development of the area, including those contained in any neighbourhood plans that have been made.

This emphasis is lost in the new draft and we are concerned that paragraphs 30 to 33 give the impression that neighbourhood planning has been relegated to a second-tier form of plan-making:

“Neighbourhood plans *can* [italics mine] shape, direct and *help to* [italics mine] deliver sustainable development” [...] Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”

We regret this downgrading of the role of communities in shaping the areas in which they live. The role and significance of neighbourhood plans is further undermined in the final paragraph of the revised version, in which it is stated that these must meet “certain ‘basic conditions’ and must be “tested through an independent examination before [they can] proceed to referendum.” This is in sharp contrast with the enthusiasm for community engagement reflected in the existing NPPF. We consider that this section needs re-drafting or significant amendment.

We do, however, very much welcome the reference to “early, proportionate and meaningful engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and statutory consultees” (paragraph 16. d.). This expands on the point made under paragraph 157 of the existing NPPF: Local Plans should: “be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations.”

Heritage

We welcome the reference in paragraph 20 (point f)) to the need for Plans to provide a strategy for the “conservation and enhancement of the natural and built environment, including landscape and green infrastructure.” The inclusion of the word “conservation” is particularly welcome, as this addresses the requirements of Sections 66, 69 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, we consider that in practice this could be more meaningfully expressed as: “conservation, management and enhancement...”

The existing NPPF has a detailed section on “Using an appropriate evidence base”. This includes two paragraphs (169 and 170) which highlight the need for “up-to-date evidence about the historic environment”, including archaeology:

169. 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 as yet 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.

170. Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity.

We urge very strongly that these two paragraphs are retained, as the early identification of heritage assets removes uncertainty, speeds up the decision-making process and helps deliver better-quality outcomes.

Sustainability

It is striking that housing is only one of the areas which the existing NPPF explicitly suggests should be considered as part of evidence-gathering (paragraph 159), whereas it seems to form the whole basis of the revised NPPF.

The second paragraph of the existing NPPF repeats the *Framework’s* overarching commitment to sustainable development:

151. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development.³³ To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.

In contrast to this, paragraphs 34 and 35 of the revised NPPF are very much about the economic aspects of development and matters such as viability, financial contributions and compensation. The implication that where “adverse impacts” cannot be avoided and “mitigation measures” are not possible, “compensatory measures” should be considered is worrying. It seems to imply that purely economic considerations might outweigh other objectives (social and environmental – including the conservation and appropriate management of the historic environment), thus disturbing the balance which is at the heart of the existing NPPF.

Chapter 4 Decision-making

Q7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

No comment.

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

No comment.

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

No comment.

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

We have concerns about the inclusion of brownfield registers and permission in principle in the opening paragraph of this section (39). These two instruments are recent additions to the planning system and their efficiency has not yet been sufficiently tested, particularly in relation to the possible impact they might have on heritage protection. We are aware that the archaeological community is particularly concerned about this. We would therefore urge Government to withhold reference to these new planning tools until further evidence has been gathered and assessed about their impact and effectiveness and they are the subject of further public consultation.

Paragraph 39 also mentions “working with applicants to secure developments that will improve economic, social and environmental conditions in the area.” We believe this should be amended to read: “working with applicants, **local communities and statutory and non-statutory consultees** to secure developments [...]”.

The Ancient Monuments Society always welcomes the opportunity to comment at pre-application stage. We are pleased to see that paragraph 190 of the existing NPPF has been retained almost unchanged (now paragraph 42) and very much welcome the addition of the phrase “with statutory and non-statutory consultees” in paragraph 41. We welcome this recognition of the positive contribution which bodies such as ours can make to the planning process. We would strongly recommend making this a requirement, rather than a suggestion, with the removal of the phrase “where they think this would be beneficial”. This would take into account the principles enshrined in the *Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015*.

We fully agree with the Heritage Alliance that paragraph 46 should be amended to state that local authorities should consult heritage statutory consultees where there is an element of demolition.

We also agree with the Heritage Alliance that paragraph 54 on Article 4 directions should be amended to state explicitly that permitted development rights may be removed for locally listed buildings (undesigned heritage assets) and that an explicit mention could see these buildings better protected from unsympathetic alteration. We agree with the Alliance that as the NPPF has established the principle that undesigned heritage assets are a material consideration in planning proposals (and retention often supported at appeal by PINS) more should be done to protect buildings of local significance.

We consider that the opportunity should be taken to strengthen the final paragraph on enforcement, not merely to repeat the existing one. In light of the Government's commitment to better enforcement, including financial support for local planning authorities and encouragement to approve and publish an enforcement strategy, less emphasis should be placed on the "discretionary" aspect of enforcement and more focus on the local authority's duty to take action where an applicant has acted in breach of planning legislation and a criminal breach of listed building legislation.

Chapter 5 Delivering a wide choice of high quality homes

Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

No comment.

Q12 Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

No comment.

Q13 Do you agree with the new policy on exception sites for entry-level homes?

No comment.

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

We welcome the reference in the opening paragraph of this chapter to the importance of land supply in the delivery of new housing.

Indeed, in a speech to the national planning conference in London on 4 March 2018, the Prime Minister stated that:

"The gap between permissions granted and homes built is still too large. The new, fairer planning rules we're publishing today will help to close it. But it's also time for builders and developers to step up and do their bit.

The bonuses paid to the heads of some of our biggest developers are based not on the number of homes they build but on their profits or share price. In a market where lower supply equals higher prices that creates a perverse incentive, one that does not encourage them to build the homes we need.

Oliver Letwin is currently reviewing the causes of the planning permission gap. If he finds evidence of unjustifiable delay, I will not rule out any options for ending such practices."

We very much look forward to reading the results of Mr Letwin's review, although it is unclear how and when (or indeed if) this might feed into the revised NPPF.

We fully recognise the need to provide affordable housing, however we welcome the policy brought forward under paragraph 64 to reduce the contribution due on brownfield sites. We also welcome the focus on "re-use" of existing buildings alongside "redevelopment", although we believe that such buildings and their locations should be appropriate for the purpose.

Chapter 6 Building a strong, competitive economy

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

No comment.

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

This chapter should make reference to the significant contribution which historic buildings, places and landscapes make to the country's economy, not only through tourism, but also by encouraging inward investment and providing enriching and attractive environments for people to live, work and spend leisure time in.

We regret the loss of the term "enterprise" in point a) of paragraph 84. In our opinion the phrase is a good supplement to "all types of business", as it implies smaller-scale initiatives, which are particularly well suited to rural settings.

We very much support the "retention and development of accessible local services and community facilities". "Local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship" are usually historic places, the continued and sustainable reuse of which we strive to promote.

Paragraph 85: it is very important here to ensure that existing historic character – which can include below-ground archaeology – is not disturbed or destroyed by the creation of new settlements. We would welcome the inclusion of a suitably worded acknowledgement to that effect, which expert bodies such as the Council for British Archaeology or the Chartered Institute for Archaeologists (CIfA) will be able to provide you with.

Chapter 7 Ensuring the vitality of town centres

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

No comment.

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

We very much welcome the mention of "distinctive characters" in point a) of paragraph 86. We believe that town-centre growth should not be to the detriment of the local distinctive character and appearance of places and that the tendency to create identikit and ubiquitous places across the country should be resisted.

We regret the loss of the following point, which is included in the existing NPPF:

- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;

We believe that providing a retail offer which reflects the individuality of town centres is an aspiration which should be retained within planning policy.

We recommend that an additional point is made under paragraph 86 that full use should be made of spaces above retail units and, in particular, that conversion or reinstatement of historic residential use should be encouraged. This will help ensure the long-term viability and maintenance of these buildings and add a sense of well-being and night time security.

We welcome the provisions afforded by paragraphs 88 to 91 to protect the viability and long-term future of historic town centres.

Chapter 8 Promoting healthy and safe communities

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

No comment.

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

We would welcome reference in this chapter to the positive impact which historic buildings and places can have on health and well-being. Reference could usefully be made to the Department for Digital, Culture, Media and Sport's report of 2014 *Quantifying and Valuing the Wellbeing Impacts of Culture and Sport*:

<https://www.gov.uk/government/publications/quantifying-and-valuing-the-wellbeing-impacts-of-culture-and-sport>

Valuing, enjoying and learning from historic places is an aim which should be added to paragraph 92.

Under paragraph 93, we believe that provision should be made for the retention and, where appropriate, the enhancement of existing community facilities within existing buildings, with special regard for historic buildings which have provided those valued facilities in attractive surroundings for generations.

We welcome the protection of "open spaces, sports and recreational buildings and land, including playing fields" under paragraph 98. Local communities should take the lead in deciding whether replacement or "better provisions" might be acceptable in certain cases.

Chapter 9 Promoting sustainable transport

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

No comment.

Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?

No comment.

Q23 Do you have any other comments on the text of Chapter 9?

We agree that transport issues should be dealt with at the earliest stage possible.

This chapter should include a paragraph on the importance of identifying heritage assets (including archaeology) which might be disturbed by the creation of new transport infrastructure or the upgrading of existing networks and facilities as early as possible.

Chapter 10 Supporting high quality communications

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

We welcome the inclusion of paragraph 113, which recommends a common-sense approach to the provision of telecommunications masts. The unchecked proliferation of masts and other communications paraphernalia can be detrimental to the character and appearance of historic areas and requires careful consideration in relation to the setting of heritage assets as emphasised by recent case law.

Chapter 11 Making effective use of land

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

No comment.

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

No comment.

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

We welcome the focus on the re-use of brownfield land included in this chapter, both in the introductory paragraph and in point 118 c).

We also welcome, as we note in response to question 18, the reference to the conversion of spaces above shops in point d) of paragraph 118.

We have serious concerns about the proposal under point e) of paragraph 118 to allow “upwards extensions”. The Government response to the *Consultation on Upward Extensions in London* of 2016 includes the worrying statement that:

9.10 We welcome the support for the principle of upward extensions to existing premises to provide more homes in London. The responses have confirmed that there is potential to deliver more homes by increasing densities on brownfield land. It is clear that building up has a role to play in meeting the need for new homes across the country, not just in London, and the Housing White Paper proposes a package of measures to support building at higher densities and using land more efficiently for development. Our intention is therefore to take

forward the policy option through the National Planning Policy Framework to support the delivery of additional homes by building up.¹

The proposals which were put forward in the 2016 consultation did not include any provision for the control of design quality, nor for limiting impact on heritage assets (designated or otherwise) and their setting. Not only would allowing indiscriminate extensions have a significant negative impact on the character and appearance of historic areas, we question the wisdom of encouraging upwards extensions to buildings which may structurally not be capable of accommodating them (for example Georgian residential terraces, which are built on shallow foundations). We are concerned that a vast majority of building firms do not have the specialist conservation skills to deal with such complex matters.

We continue to have concerns about the idea that land on brownfield sites can be brought forward for development outside of the normal regulatory system (paragraph 119), however we welcome the caveat which footnote 35 appears to place on that ambition. We agree with the Heritage Alliance that a clear statement should be made that brownfield redevelopment should seek to retain existing structures where these are identified by the local authority as being of heritage interest. We defer to our colleagues in the archaeological sector on the archaeological implications of such proposals.

We welcome the general principle of high densities in new development, however this should not be to the detriment of high standards of design, heritage considerations or well-being.

Chapter 12 Achieving well-designed places

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

No comment.

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

We welcome the chapter's opening statement that "planning policies and decisions should support the creation of high quality buildings", however, this is arguably weaker than that in the existing NPPF, which makes direct reference to the Government's emphatic position:

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Also, there is little detail given in the rest of the chapter to explain how that aspiration will be achieved. It is not clear to us why paragraphs 59, 60 and 61 of the existing NPPF have been removed, as these provide clear and concise guidance.

¹ DCLG, Summary of responses to the technical consultation on implementation of planning changes, consultation on upward extensions and Rural Planning Review Call for Evidence, February 2017. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/589747/Summary_of_responses_to_the_technical_planning_consultation.pdf

Government might wish to consider better-resourcing the Design Council CABE Team or finding other ways of implementing some of the useful recommendations which were put forward in the Farrell Review.

We continue to be dismayed about the general lack of good design in new development and are concerned that the push for high volumes of new housing will result in the construction of new housing estates that exhibit no understanding of the need for place making and a lack of understanding or appreciation of local distinctiveness. We welcome the Government's stated ambition to promote design-driven development, however more and clearer mechanisms need to be put in place to support well-intentioned house builders and hard-pressed local authorities in delivering this.

We would welcome further guidance from Historic England on how local distinctiveness can be best preserved in areas where there is high pressure for development – in the Oxford-Cambridge “corridor”, for instance. This might be the opportunity to promote best practice at a national level.

Point c) of paragraph 126 refers to “increased densities” – we wonder if this a reference to tall buildings. If this is the case, we would welcome explicit reference to tall buildings and to the impact which they can have on the setting of listed buildings and the character of historic areas.

Chapter 13 Protecting the Green Belt

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

No comment.

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

We defer to the Heritage Alliance on this chapter.

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

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

The Ancient Monuments Society places great importance on sustainability and believes the historic environment has an important part to play in “meeting the challenge of climate change”, not least by the embodied energy inherent in existing historic buildings.

The chapter's first paragraph mentions “encouraging the reuse of existing resources, including the conservation of existing buildings”. This principle is one of the foundations of historic building conservation, and the Ancient Monuments Society takes pride in the part it plays in encouraging the retention and reuse of such existing buildings.

We are very much in line with the Society for the Protection of Ancient Buildings (SPAB)'s approach to historic buildings, which sees them as living, breathing entities. We believe that tried-and-tested traditional methods of maintenance and repair are the best way of ensuring that such buildings are kept in good condition, thus ensuring their sustainability.

We would welcome reference in this chapter to the special rules which should be applied to the retrofitting of traditional buildings to avoid damage to their fabric and appearance. Traditional buildings represent 35% of the existing dwelling stock – a sizeable proportion which merits its own policies.

The SPAB are internationally-renowned experts in this field and should be consulted on an appropriate form of working.

Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

No comment.

Chapter 15 Conserving and enhancing the natural environment

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

No comment.

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

We defer to the Heritage Alliance on this chapter.

Chapter 16 Conserving and enhancing the historic environment

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

Few changes have been made to the penultimate chapter of the draft revised NPPF, which is on ‘Conserving and enhancing the historic environment’.

We welcome the almost complete retention of existing policies. There are a few exceptions, notably the relegation of paragraph 139 to a footnote. While we accept that in case law footnotes may carry as much weight as policies which are included in the main body of a policy text, we are still concerned about the immediate perception this will give, namely that undesignated heritage assets are seen to carry less weight than their designated counterparts and should not be treated in the same way.

For effective heritage management we consider it essential to retain the phrase “optimum viable use” in paragraph 134 and agree with the Heritage Alliance that this should be reinstated.

We welcome the amendment of paragraph 182 to recognise the outstanding universal value of World Heritage Sites.

We welcome the addition of the phrase “irrespective of the degree of potential harm to its significance” to paragraph 189.

Paragraph 191 (previously 133) has the merit of listing the four conditions under which proposals representing “substantial harm” might be considered acceptable. The Society notes, through the wide range of proposals referred to it as part of its statutory casework, that the bar for “substantial harm” appears to be set increasingly high. There is growing pressure for paragraph 192 (previously 134) to apply in most cases referred to us.

There is also a lack of clarity about the interpretation of public benefit v. private benefit that should more closely align with or incorporate the wording in the relevant section of National Planning Practice Guidance (Paragraph: 020 Reference ID: 18a-020-20140306). The phrase “public benefit” needs clarification as we have observed that it is being used in ever-increasingly elastic ways- often to describe benefits which are either to the applicant / developer or limited to the private realm. We understand Historic England is to produce guidance on “public benefit”. This is something which we very much welcome and would be keen to be consulted on.

We agree with the Heritage Alliance that paragraphs 169 and 170 of the existing NPPF should be reinstated, as they include a requirement for authorities to maintain or have access to an historic environment record. We think this should be in the main body of the NPPF text, rather than in the Glossary.

We also agree with the Heritage Alliance that the chapter should include a requirement for local authorities to have a local list of important local heritage assets and that paragraph 193 should be amended to make it clear that local authorities are able to refuse applications which cause the total loss of non-designated heritage assets such as buildings on the local list.

Chapter 17 Facilitating the sustainable use of minerals

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

No comment.

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

No comment.

Q39 Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

No comment.

Q40 Do you agree with the proposed transitional arrangements?

No comment.

Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

No comment.

Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

We defer to the Heritage Alliance on this chapter.

Glossary

Q43 Do you have any comments on the glossary?

Certain terms have been removed, or partially removed from the Glossary. We believe that these should be reinstated. They are:

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially [may] holds, evidence of past human activity worthy of expert investigation at some point. 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.

It is essential that this definition is retained as it stands – especially as it refers to ‘past human activity’ and ‘evolution of places’, which includes buildings.

Article 4 direction: A direction which withdraws automatic planning permission granted by the General Permitted Development Order.

This should be retained, especially as most of the general public and many elected local authority members are not familiar with the regulation.

Community Right to Build Order: An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

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.

In addition to this, the definition of Historic Environment Record should be retained as it is in the existing NPPF, with a focus on the Historic Environment Record being a service:

Historic environment record: Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

We welcome the introduction of a definition of **Outstanding universal value**.