



Historic England

DCLG Consultation on the Housing White Paper Historic England Submission

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Overview

Historic England supports the need to address current issues of housing supply, and welcomes the recognition in the White Paper of the importance of the historic environment in delivering sustainable development. There is much to be welcomed in the White Paper, including the references to design and local authority resourcing, and the clarification on the status of nationally important but undesignated archaeological sites.

We have some concerns about the proposals, however, which include the lack of information currently available about them, and the suggestion that permitted development may be proposed for upwards extensions.

A fundamental concern relates to the implications of changes to the National Planning Policy Framework (NPPF) for the overall balance of policy, and thus for the conservation of the historic environment: Historic England believes that current national planning policy properly highlights how the protection of the historic environment, character, and local distinctiveness is integral to the delivery of sustainable development, and maintains an appropriate degree of protection for the historic environment.

A further concern relates to the lack of clarity around the evidence required in support of plan preparation, particularly when plan allocations may in future have the benefit of permission in principle, a regime in which the detailed handling of heritage issues is still to be confirmed.

We welcome the opportunity to submit a response on the following points.

Proposals from Chapter One

Getting plans in place

Question 1: Do you agree with the proposals to:

a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the

Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?

- Yes, although the addition of a strategic policy relating to design would further demonstrate the Government's recognition of the importance of good design (see also our response to Question 12, below).
- The proposed retention of a requirement for the provision of strategic policy on the conservation and enhancement of the historic environment is particularly welcomed.

b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?

- Any such regulations should reflect the existing provisions for plan preparation, including those relating to consulting the specific consultation bodies (including Historic England).

c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?

- There is no detail in the Housing White Paper as to how it is proposed to tighten the definition of the evidence required in support of a sound plan, but it is assumed (from the Government's response to the Communities and Local Government Select Committee inquiry into the report of the Local Plans Expert Group (LPEG), in February 2017) that the proposal will draw on the Local Plans Expert Group's recommendations 24 and 25.
- Historic England certainly supports a more proportionate approach, and welcomes the commitment to ensuring that clear and concise evidence is available on the key issues that affect the capacity of each area to accommodate development.
- The LPEG-recommended approach does not necessarily deliver this, though. The requirements for evidence in relation to the historic environment could usefully be pulled out more strongly in the LPEG's list at Appendix 10A of their report. As presented, the proposals could discourage the appropriate early consideration of heritage issues by local planning authorities, and thereby risk the unintended consequence of undermining heritage protection (particularly as permission in principle can now be granted through local plan allocations):
 - The proposed revisions in respect of Regulations 17 and 22 (Local Planning Regulations) are of some concern. These suggest that the existing requirement for 'such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan' should be amended to 'only such supporting documents as the local planning authority considers strictly necessary to show where the local plan is legally compliant, sound and in compliance with any duty to cooperate'. It is not clear how this revised approach is intended to relate to the existing statutory duties in respect of listed buildings and conservation areas; it is also not clear how far wider heritage-related evidence would be regarded as 'strictly necessary' under the new, narrower test. We would therefore request that there is explicit reference to the need to take the historic environment into account in the new test, and particularly the statutory duties.
 - The inclusion of reference to the need to refer to national policy, baseline information, consideration of the historic environment record, landscape character

assessments is noted, but these do not wholly reflect existing evidence requirements.

- By way of illustration, paragraph 126 of the NPPF implicitly requires sufficient evidence to inform the development of ‘a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk’.
- Paragraph 169 of the NPPF explicitly states that ‘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’; consideration of the National Heritage List for England (NHLE) and other historic environment records will inform this, but are not the only sources of information needed (and it should be noted here that some NHLE entries may be in need of updating): the list should be amended to more accurately reflect the actual evidence requirements set out in national policy (the Planning Practice Guidance confirms that policy on the historic environment evidence base for local plans is set out in paragraph 169 of the NPPF). It is also not clear what is meant by the suggestion that paragraph 169 evidence would ‘not have to be included in the evidence before the examination’: it does need to be considered prior to, and at, Examination.
- As a consultee in the local plan process, Historic England’s experience has been that, certainly at the early stages, the vast majority of Local Plans are not fully consistent with the advice of the NPPF, and some of them are deficient to the point that, in terms of the approach to the historic environment, their soundness is questionable. Historic England offers support and advice to address these initial shortcomings constructively, which itself helps to speed up the plan making process, and to deliver sustainable development which safeguards and enriches the historic environment,. It would however be more efficient if plans were better prepared from the outset, and limiting the necessary evidence is more likely to give rise to uncertainty and challenge and lead to to a weakening of heritage protection.
- From a historic environment perspective, the requirements at paragraphs 126 and 169 of the NPPF are a useful starting point for the definition of the evidence needed to support a sound plan. Sufficient evidence to inform the development of ‘a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk’, and to ‘assess the significance of heritage assets and the contribution they make to their environment’ suggests that some or all of the following studies will certainly be needed, and any other evidence relevant to the particular circumstances of the area and the emerging proposals:
 - Assessment of impact on heritage
 - Assessment of setting
 - Conservation Area Character Appraisal
 - Landscape Sensitivity Study
 - Extensive Urban Survey
 - Green Belt Study
 - Historic Landscape Characterisation
- The sources for this evidence base include:
 - National Heritage List for England (with care to obtain fresh understanding of protected extent and potential)
 - Heritage at Risk Registers
 - Local heritage lists
 - Historic environment records

- Local studies libraries
- Local record offices
- Urban archaeological databases
- Historic England advice of relevance to this issue includes GPA 1: The Historic Environment in Local Plans, and HEAN 3: The Historic Environment and Site Allocations in Local Plans
- Accordingly, any revisions to the NPPF with regard to local plan soundness should ensure that scope for the necessary – and proportionate – evidence is retained (which need not necessarily be district-wide; there will be some circumstances in which site-specific evidence is sufficient). As noted above, the requirement for appropriate evidence is increased rather than decreased by the provision for local plan allocations to grant permission in principle: sufficient evidence is needed to demonstrate that any sites proposed are not incompatible with the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, or with existing national policy (including, presumably, paragraph 129 of the NPPF).

Question 2: What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?

- Given the increasing prominence of neighbourhood plans within the overall development plan context, a greater degree of consistency between neighbourhood and local plans in terms of the supporting evidence and the way in which the plans are examined would be appropriate.

Making enough land available in the right places

Question 4: Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

- a) *authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?*
 - Yes, subject to clarification regarding the definition of that suitable land, its relation to wider planning objectives, the relative weighting of the various policy areas, and its relationship to the presumption in favour of sustainable development set out in Box 2.
- b) *it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?*
 - The way in which development needs are to be identified is itself not yet defined, and this will be a crucial factor in determining the degree to which this proposal can be supported, with particular reference to the way in which environmental capacity is to be assessed, and that assessment reflected in the accommodation of need. There will be occasions where there is not sufficient environmental capacity to meet identified needs within an area, as appears to be acknowledged in passing in the Box 2 statement that local planning authorities ‘should positively seek opportunities to meet the development needs of their area, as well as any needs that genuinely cannot be met within neighbouring authorities’.

- Further information is required regarding the operation of the proposed ‘strong reasons’ caveat, as discussed further under c), below.
 - Any change to policy in this area could usefully provide clarification as to the meaning of ‘high environmental value’ (NPPF paras. 17 and 111).
- c) *the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?*
- The inclusion in the existing list of policies of Ancient Woodland and aged or veteran trees, and ‘other heritage assets of archaeological interest referred to in paragraph 139’, is welcomed.
 - Whether or not this list should be definitive is less clear, and an informed judgement cannot be made on this point until the detailed policy wording relating to these policy areas, and their relative weighting within the NPPF, is known. In the absence of that detail, the proposal cannot be supported.

Question 5: Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?

- Yes, subject to provision for appropriate consultation or notification of the relevant statutory consultees when seeking to grant permission or consent affecting heritage assets.

Question 7: Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?

Within the wider context of sustainable development, reference should also be made to the environmental benefits: as noted at paragraph A.132 of the White Paper, and in the existing NPPF, there are three rather than two dimensions to sustainable development. The environmental benefits might include opportunities to improve elements of the historic environment.

Question 8: Do you agree with the proposals to amend the National Planning Policy Framework to:

Historic England welcomes the intention of the proposals to improve the availability and affordability of homes in rural areas, not least due to the likely effects of this objective in sustaining rural communities. However, the extent of the proposals in respect of small and/or rural sites is unclear: there is very little detail provided in the Housing White Paper, and the relationship with the earlier proposals in the December 2015 NPPF consultation is also not clarified. As it stands, a significant cumulative impact on both rural and urban areas seems likely, which needs more careful assessment than the current material allows.

Responses to the particular issues raised under Question 8 are provided below:

- a) *highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?*

- The plan-led identification of housing sites, at either local or neighbourhood plan level, is to be supported, on the assumption that the plan preparation process was sufficiently robust with regard to evidence gathering and strategy formulation, and subject to the caveats about Green Belt, discussed further in response to Question 10, below.
- b) *encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?*
- It is not clear what this proposal would actually mean in practice. A plan-led approach to village expansion is to be preferred, when all the community's needs (and not just housing) have been taken into account, as well as the capacity of the settlement and its setting to accommodate new development (based on consideration of the requisite evidence on need, and on historic landscape characterisation, the setting of heritage assets, the role of Green Belt, etc.).
 - The December 2015 proposal to strengthen policy on development of small sites for housing is also referred to in the White Paper, as giving 'great weight ... to using small undeveloped sites within settlements for homes, where they are suitable for residential development', in both rural and urban areas. Applying a strengthened brownfield approach to all small sites (albeit with protection of the 'character of residential neighbourhoods' and an intention to 'stop unwanted garden grabbing') still suggests a fundamental change to housing policy, as well as a change to the definition of previously developed land, none of which is fully articulated within the White Paper. It is therefore not yet possible to assess the implications for the consideration of character; heritage, habitat and open space protection; and countryside and Green Belt policy.
- c) *give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?*
- In the absence of more detail on this proposal, it is assumed that it reflects the proposal in the December 2015 NPPF consultation, to be clearer about the grounds on which rural exception development (including starter homes) might be refused (specifically, by amending the exception site policy 'to make it clearer that planning applications can only be rejected if there are overriding design, infrastructure and local environmental (such as flood risk) considerations that cannot be mitigated'). Historic England expressed concern at that proposal, due to the lack of clarity as to what constitutes, in heritage terms, an 'overriding design, infrastructure and local environmental consideration that cannot be mitigated', and noted that most things can be mitigated to some degree: more specific wording was suggested, e.g. 'mitigated to an acceptable level'.
 - If this proposal also relates to the December 2015 proposal to allow the redevelopment of brownfield sites in the Green Belt for starter homes, through a more flexible approach to assessing the impact on openness, Historic England would again express concern. As we noted at the time, this would be a significant change to Green Belt policy, with wider ramifications, not least for heritage protection.
- d) *make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?*

- This appears to undermine the proper assessment of an area's housing need, of the availability of sites, and of any subsequent impact assessment work (including heritage impact) in relation to such sites. It also appears to be unnecessary in light of the wider proposals to encourage small sites to come forward, and merely adds additional bureaucracy.
- f) *encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?*
- Greater use of Local Development Orders is certainly to be encouraged. If, by 'area', the intention is to suggest large sites, then the use of design codes is also supported. If, however, it is intended to imply district-wide design codes, then this would not be appropriate: as noted elsewhere in the White Paper, design codes should respond to local character, and character varies significantly across a district. Appropriate design parameters should be set at a smaller scale to reflect and reinforce local distinctiveness, and to support efficient delivery of housing of an appropriate quality to meet the Government's design aspirations.

Question 9: How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?

- Streamlined planning procedures such as Local Development Orders could certainly support innovation and high-quality development in new garden towns and villages, as they require planning judgements to be made in line with evidence and local and national policy.
- It is assumed, however, that this question relates more to the introduction of planning freedoms, as discussed in the March 2016 Locally-Led Garden Villages, Towns and Cities prospectus, and later implemented through the Housing and Planning Act 2016. The extent of the planning provisions which may be 'disapplied' is yet to be specified. Any such disapplication must ensure that the appropriate judgements are still made to ensure the proper planning of the area, partly to ensure that sustainable development – as defined in the NPPF – is still delivered, and partly because, as the White Paper itself notes, 'well-planned, well-designed, new communities have an important part to play in meeting our long-term housing needs'.
- It is worth noting that the historic environment is not an impediment to innovation and high quality development, but an inspiration for it, as illustrated by many of the garden cities and post-war new towns.

Question 10: Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:

- a) *authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?*
- As noted in response to Question 4b, the way in which development needs are to be identified is itself not yet defined, and this will be a crucial factor in determining the degree to which this proposal can be supported. If the process for identifying development requirements takes appropriate account of the relevant constraints, and

reasonable aspirations, then a clarification of the 'exceptional circumstances' justifying Green Belt boundary changes is to be welcomed in principle.

- As to what those exceptional circumstances should be, the White Paper only requires that 'all other reasonable options' have been 'examined'; for the test to remain exceptional, something rather more stringent is needed. Furthermore, a definitive list of the proposed options is needed, and more detail on those which are already provided: the current proposal is too vaguely worded to convey confidence that a 'high bar' is in fact being retained. Clarity is also needed as to what is meant by a 'reasonable option'.
- b) *where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?*
- Existing policy suggests that improving environmental quality and accessibility is an appropriate goal once a Green Belt has been defined, but it is important that exceptional circumstances are still required for Green Belt releases to be allowed, and that the prospect of compensatory improvements (some potentially offsetting some of the need for open space or recreational facilities required by the related development) do not themselves inform decisions on such releases.
 - One of the five purposes of Green Belts is to preserve the setting and special character of historic towns. The loss of Green Belt sites to development which are important to the setting and special character of towns cannot be mitigated through the improvement of remaining elements of that Green Belt.
 - Where Green Belt releases have to be made, however, and exceptional circumstances have been satisfactorily demonstrated, compensatory improvements will enhance the beneficial use of the Green Belt. Not all of the options for improvement listed in the White Paper comply with paragraph 81 of the NPPF, however.
- d) *development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?*
- All development proposed within the Green Belt should be subject to existing policy, namely that substantial weight should be given to any harm to the Green Belt, inappropriate development should not be approved except in very special circumstances, and 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.
 - This policy provides an appropriate mechanism for neighbourhood development proposals to be considered, without encouraging piecemeal local attrition of a strategic designation, which, if other elements of the White Paper are implemented, will result in the land being 'looked at first' in subsequent strategic reviews.
- e) *where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?*
- The most important consideration is that the need – or otherwise – for review has been determined strategically, with appropriate reference to all relevant policy and evidence (Green Belt Studies are recommended).

f) *when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?*

- Green Belt reviews should only be carried out where needed, as outlined above. When carried out, they should be guided initially by site-specific assessments, reflecting the fundamental aim and five purposes of Green Belts.

Strengthening neighbourhood planning and design

Question 12: Do you agree with the proposals to amend the National Planning Policy Framework to:

b) *make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?*

- Ideally, and to reflect the existing core principle that planning should ‘always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings’, there should be a strategic design policy in the local plan for an area. This strategic policy would ensure district-wide coverage, and be amplified by more detailed local policies where needed, whether in other local plan documents or in neighbourhood plans: a plan-led approach is welcomed.
- As noted in our response to Question 8f, above, design codes and other similar tools have an important role, but should not be regarded as a district-wide solution: to properly reflect varying local character, they should relate to individual sites or character areas (as per the Trumpington Meadows example in the White Paper).
- In articulating design expectations, it will be important to ensure that high quality innovative design, sensitive to its context, is permitted, without creating a free-for-all that lowers the overall quality and distinctiveness of an area. The importance of detail – and the cumulative effect of a loss of distinctive detail – should also be reflected in local design parameters.

d) *makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?*

- In addition to the points made under b) and c), above, it will be important to ensure that this provision relates solely to *explicit* design expectations; where a design issue has not been addressed in the parameters, and a proposal causes concern, that should still be recognised as a valid reason for objection.

e) *recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?*

- Recognition of the value of design standards such as Building for Life would itself be welcome, but requiring their reflection in plans, and giving them specific weight in the planning process, would be less welcome. The principles of good design are already reflected in national policy, and take appropriate account of the historic environment in

a way that design standards do not always achieve. Furthermore, a degree of prescription at this level of detail might not serve to support the local definition of character, as discussed elsewhere in the White Paper.

Question 13: Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

- a) *make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?*
- Yes, subject to the usual assessments of capacity, character, and so on, and a requirement for the delivery of high quality of design and the meeting of wider needs. Land should always be used efficiently, but the definition of efficiency must relate to local circumstances. A shortage of land for meeting identified housing needs should not itself be used to justify inappropriate densities.
- b) *address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?*
- The need for links between public transport and higher density development is itself to be supported, but the revised policy will need to relate appropriately to existing policy with regard to, for instance, heritage protection. Locations which are accessible by public transport often coincide with historic places, however, with implications for the capacity to accommodate growth. The issues are the degree of change (rather than the principle), and the degree to which the necessary assessment of local needs, character, significance, and impact is undertaken, to ensure that the increased development pressures are managed appropriately, and opportunities taken to conserve or enhance as appropriate.
 - The replacement of low-density uses is also supported, subject to the requirement for high-quality design sensitive to local character and reinforcing local distinctiveness, the conservation and enhancement of the historic environment, and recognition of the importance of spaces within successful urban design (these are even more important in 'dense' development). Ensuring that the full range of a community's needs is met is also important, and essential low-density uses not lost to housing.
 - A more detailed response to the issue of upwards extensions is provided in relation to Question 15, below. Any proposals for upwards extensions should be carefully considered through the planning process, and permitted only where their suitability has been explicitly determined.
- c) *ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?;*
- Yes, subject to the comments elsewhere in this response, and the opportunities and constraints afforded by the historic environment. Amenity considerations should not be forgotten within this.
 - We would stress that some traditional forms of residential development continue to provide useful models for new higher density development. We therefore welcome the

reference to mansion blocks in the Housing White Paper – a hugely successful method of providing homes within urban locations at high density.

- While we also recognise the contribution to achieving greater housing supply made by tall buildings, the implications for local character and townscape (in urbanised areas potentially across a number of local authority areas) needs to be considered. Moves to increase density need to be flexible enough to reflect local character and avoid simply creating taller buildings.
- d) *take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?*
- No. As noted above, it is important that the full range of a community's needs is met, and this includes adequate open space, of an appropriate quality, in the right location (both the provision of new open space, and the protection of existing). Meeting housing need without meeting other needs is neither good design nor sustainable development.

Question 15: What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?

- Public sector sites should not be treated any differently to other sites in terms of the quality expected of the development upon them, and the planning processes utilised to reach a decision.
- In any location, Historic England has the strongest possible objection to a permitted development right in relation to 'building on top of existing buildings', as previously articulated in our [response](#) to the Consultation on Upward Extensions in London, and would welcome the opportunity to discuss this issue further as a matter of some urgency. We consider that any such permitted development right would lead to harm to the historic environment (and the built environment more generally) on an unprecedented scale, and be directly contrary to the presumption in favour of sustainable development, as well as the Government's commitments to maintaining current standards of historic environment protection.
- As with the other proposals in the Housing White Paper, no detail is presented as to how it might be implemented, but, assuming that something akin to the proposals in the Consultation on Upward Extensions in London is envisaged, there would be no provision for the control of the quality of design, including massing and materials, nor for limiting the impact on heritage assets (designated and otherwise) and their setting, and on the character of areas more generally. A potentially universal, 'one size fits all' provision would be wholly inappropriate. It would also risk undermining the credibility and effectiveness of permitted development, thereby potentially jeopardising wider public support for increased housing delivery.
- Any attempt to increase housing density would be better pursued through policy or local development orders, both of which allow an appropriate consideration of local circumstances, and control over the way it is implemented.

Proposals from Chapter Two

Providing greater certainty

Question 16: Do you agree that:

- a) *where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?*
- The proposal to introduce greater certainty in the amount of available land for housing is likely to be welcome as a tool, although a definition of what ‘fixed’ in these circumstances means would be useful.
 - The logic behind the proposal to increase certainty for one-year periods whilst requiring additional allocations (normally intended to counter uncertainty) is unclear. The housing figures would already allow for both constraints and contingency; if they had been tested and accepted by PINS, this would suggest that any issue in practice related to developers’ failure to deliver, and not to LPA actions, and thus further allocations would be a perverse incentive not to deliver in the short term.
- b) *the Planning Inspectorate should consider and agree an authority’s assessment of its housing supply for the purpose of this policy?*
- Consistency of approach in calculating 5 year land supply is clearly to be encouraged. While a requirement for PINS to carry out a further assessment of LPAs’ calculated 5 year land supply would go some way to achieve this, it should be carefully considered, and, if taken forward, the Inspectorate will need to be properly resourced to do so.
- c) *if so, should the Inspectorate’s consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?*
- Ensuring consistency of methodology by PINS may be more cost effective than assessing every LPA’s supply, and minimise the unnecessary duplication of effort.

Question 17: In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

- a) *a requirement for the neighbourhood plan to meet its share of local housing need?*
- No, in the absence of any explanation as to how this might be managed, and how neighbourhood planning would retain its local flexibility and discretion (and noting that, if neighbourhood plans are to be required to demonstrate they are meeting their share of local housing need, it will be necessary to also implement the proposal at Question 12a for LPAs to provide housing requirement figures to neighbourhood planning groups).
- c) *should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?*

- Yes, it should remain a requirement to have site allocations in the plan for this protection to apply, with communities planning specifically and proactively for housing.

Ensuring infrastructure is provided in the right place at the right time

Question 19: Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers?

- It is not currently clear how this would be implemented, or bring benefits over and above existing policy (e.g., NPPF paragraphs 42-46), codes of practice and permitted development rights.

Question 20: Do you agree with the proposals to amend national policy so that:

a) the status of endorsed recommendations of the National Infrastructure Commission is made clear?

- We would welcome clarification of the status of endorsed recommendations, as the process to be followed to confirm endorsed recommendations as planning policy is currently unclear.

b) authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?

- We do not agree with the proposal that LPAs should be expected to identify the additional housing opportunities offered by infrastructure projects. The planning system should direct development to where it is most appropriate – this proposal would effectively mean in some areas that it is infrastructure development rather than a plan-led approach which directs housing, that a plan-led approach is undermined, and that proper planning judgements are not being made. Further, there is a risk that such an approach would not assess environmental impacts (including those on the historic environment) adequately.

Holding developers and local authorities to account

Question 21: Do you agree that:

a) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?

b) that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?

c) the basic information (above) should be published as part of Authority Monitoring Reports?

d) that large housebuilders should be required to provide aggregate information on build out rates?

- All of these measures are potentially useful in helping determine future outputs/land requirements and reducing disagreement over where any blockages in the system lie. However, given the importance of delivery, and developers' crucial role in it, it is disappointing to not see a parallel degree of compulsion or incentive for developers to

build out consents that mirrors that applied to LPAs via the Housing Delivery Test (see our response to Question 29, below).

Question 22: Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?

- This is a complex issue and any attempt to address it should be flexible enough to take account of specific circumstances. Where permissions have not been built out, there is an opportunity cost in terms of time and resource invested in the process. Where potential development involves heritage assets we would wish the process to take this into account.
- Conversely, a second bite at development on a particular site can distort the issue of land and housing supply across the LPA area and could conceivably mean that other, more viable sites may not be brought forward (at least in the short term).

Question 29: Do you agree that the consequences for under-delivery should be:

a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?

- The preparation of an action plan seems like a prudent and proactive step to take in support of housing delivery, but will depend on the mechanisms available to LPAs to assist with increasing delivery.

b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?

c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?

d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?

e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

- Historic England is supportive of the Housing White Paper's central objective of driving up supply. We do, however, note an apparent contrast in the way that developers and LPAs are being treated across the proposals.
- Overall, and despite the acknowledgement at paragraph A.96 that 5% of consented housing units are land-banked ('on hold or shelved'), developers are merely being requested to provide more information (and, further to the proposal at A.102, potentially only on larger sites, whilst LPAs are assessed on all delivery). While this will enable greater transparency and scrutiny, there is a clear distinction with the potential sanctions faced by LPAs set out in the White Paper. These could conceivably remove their ability to direct housing development to where it is locally considered most appropriate – and this is in direct conflict with the recognition at A.75 of the problems associated with local plans 'being undermined' and the 'local authority [losing] a significant degree of control over where new housing is built'. Furthermore, and as noted above (and in response to previous consultations on this issue), further allocations

in response to developers' failure to deliver is more likely to create a perverse incentive not to deliver, rather than to increase delivery in the short term, thereby undermining the achievement of the Government's housing objectives.

- The withholding of allocated sites affects housing delivery, and wastes the effort put in by a number of parties to developing a deliverable package for a site; it could also have an adverse impact on heritage (and particularly heritage at risk), where heritage assets and their conservation have been a component of such a scheme.
- We also note that the tiers/triggers are steep, and unrealistic: if an LPA were to fail to reach the necessary level at point (c) (25% of anticipated delivery), it would be very unlikely that it will be in a position to pass the threshold at (e) (65% of anticipated delivery two years later).

Question 30: What support would be most helpful to local planning authorities in increasing housing delivery in their areas?

- The extra resourcing set out in the White Paper is clearly welcome, particularly at a time when lack of resources is increasingly being recognised as playing a part in the performance of LPAs in increasing housing supply, and the availability of specialist advice particularly valued. It should be noted, though, that some of the historic environment expertise on which LPAs rely may not be located within the local authority and therefore benefiting from an increase in fees.
- Historic England is committed to supporting LPA colleagues in this area. As well as our role as a statutory consultee, we offer a dedicated training programme on a wide range of related areas aimed at both officers and elected Members, and produce advice on key topics (e.g. decision-making and site allocations).
- We have also recently launched our Heritage Action Zones programme. Working in partnership with LPAs, this programme focuses on targeted areas and will help regeneration and unlock the economic potential of historic places. Our Chief Executive has written to the Minister outlining a dedicated HAZ-related proposal which we believe will enable Historic England to increase housing delivery in places with a high concentration of historic places and buildings.
- Paragraph A.117 of the White Paper suggests that planning freedoms may be requested in support of housing delivery. As noted in our response to Question 9, above, the extent of the planning provisions which may be 'disapplied' is yet to be specified. Any such disapplication must ensure that the appropriate judgements are still made to ensure the proper planning of the area, including those relating to the historic environment.

Sustainable development

Question 34: Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?

- In theory, the carrying over of the existing NPPF approach should be something to be welcomed (i.e., defining sustainable development through the references to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219).

- In practice, however, the proposed changes to policy are sufficiently extensive – and lacking in detail – as to make any endorsement of this approach in the revised NPPF inappropriate at present. As also noted in our previous response to the December 2015 NPPF consultation, Historic England has a number of concerns about the proposed revisions to national policy:
 - The detailed wording of the proposed policy is needed if it is to be properly assessed. Historic England would be happy to work with DCLG on matters of detailed wording, and would certainly press for further consultation on draft text: the potential impact of the proposed changes is such that the detailed wording is really needed if informed views are to be provided.
 - A related point is the need for the detailed text to be available so that the interrelationship of the various changes currently being proposed and implemented can be properly understood, and their cumulative effect adequately assessed, with a view to avoiding any unintended consequences.
 - The proposals represent a shift in the overall balance of policy. In its current form, the NPPF successfully balances a range of core planning principles within the overall presumption in favour of sustainable development. Further prioritisation of any one element of policy would undermine this balance, and thus jeopardise the delivery of sustainable development, including its heritage protection dimension. Historic England believes that current national planning policy properly highlights how the protection of the historic environment, character, and local distinctiveness is integral to the delivery of sustainable development, and maintains an appropriate degree of protection for the historic environment.

Meeting the challenge of climate change

Question 35: Do you agree with the proposals to amend national policy to:

- Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?*
 - Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?*
- Historic England supports these proposals, on the assumption that appropriate reference will continue to be made to historic environment issues.

Rural Planning

Question 39: Should the thresholds set out in Part 6, Class A of the Town and Country (General Permitted Development) Order 2015 (as amended) be amended, and if so:

- *What would be appropriate thresholds including size and height;*
 - *What prior approvals or further conditions would be required; and,*
 - *Are there other changes in relation to the thresholds that should be considered?*
- We have concerns about an extension to this right without the appropriate safeguards being made for the historic environment. We fully accept the principle of adaptive reuse for residential or other purposes as the best practical means of retaining significance for the majority of these rural buildings, but such changes must be based upon an assessment of significance, sensitivity and capacity for change (as per our 2015 advice):

the planning rather than permitted development route is the best means of achieving this.

*Government Advice Team
Historic England*

2 May 2017