



Historic England

**Levelling-up and Regeneration Bill:
consultation on implementation of plan-making reforms**

Historic England Consultation Response

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.

Introduction

Historic England welcomes many of the proposals contained in this consultation on implementation of plan making reforms. To some extent, the proposals represent a refinement of established techniques for producing local plans, with an increased emphasis on matters such as early consultation, project management and digital technology. We consider that some adjustments and clarifications are needed, and where possible we have set these out in our responses below. We look forward to working with government on the finer detail of how the proposals will work in practice, through secondary legislation, national policy and guidance, toolkits and templates.

Historic England recognises that limited coverage of up-to-date local plans is a significant issue in the current system. The causes of delays in plan making are complex and may relate to the local context, resourcing issues, changes in local authority political leadership, and changes (enacted or proposed) to the legislative framework in which local plans are prepared. If current proposed planning reforms are implemented, we hope that this will lead to a period of stability, in which an improved framework for planning for the historic environment could be achieved as follows:

- National Development Management Policies setting out the key decision-making criteria for the historic environment, for example in relation to conservation and enhancement of designated and non-designated heritage assets.
- A refocused National Planning Policy Framework (NPPF) that steers local authorities on how to provide a 'positive strategy for the historic environment' through their local plans, including their conservation areas and those heritage assets most at risk through neglect or decay etc.
- Regular and meaningful public consultation, including having due regard to the advice of prescribed public bodies, to ensure that plans are both ambitious and deliverable.
- Recognition that plans should be informed by a robust understanding of the local historic environment, including an enhanced Historic Environment

Record (to be on a statutory footing), conservation area appraisals and management plans, and the condition of heritage assets (e.g. Heritage at Risk).

- A clear and explicit requirement within the NPPF for proportionate Heritage Impact Assessment of potential site allocations and of other site-specific proposals, such as areas suitable for renewable energy, and proposals in supplementary plans.
- A requirement for Infrastructure Delivery Strategies to support the Local Plan's positive strategy for the historic environment.

One key concern that we have is that the proposed transitional arrangements for supplementary planning documents may be incompatible with the aspiration to prepare a new local plan within 30 months. For this reason, we suggest that local authorities are given greater flexibility to review and revise their supplementary planning documents after adopting a new local plan, rather than before.

Chapter 1: Plan content

Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?

Historic England welcomes the re-affirmation of the plan-led system and supports the aim of making plans simpler, shorter and more visual. However, incremental and ongoing changes to permitted development rights have the potential to undermine the plan-led system. We have set this out in [our response to the government's recent consultation on additional flexibilities](#)¹.

We broadly agree with the consultation's core principles for plan content as we have interpreted them, i.e. (i) a summary of certain requirements in the Levelling Up and Regeneration Bill, and (ii) a summary of additional aspirations to be set out in policy and guidance. We particularly support: the commitment that plans should contribute to both sustainable development and climate change mitigation and adaptation; the retention of key aspects of local plans such as a vision, key diagram and policies map; and the refocusing of the plan towards locally specific matters. We would welcome further clarification and consultation on the core plan making principles as they will appear in the NPPF.

At present, the NPPF contains a number of principles that are fit for purpose and indeed vitally important in delivering sustainable development and the conservation and enhancement of the historic environment. From the outset, the current NPPF is clear that the purpose of the planning system is to achieve sustainable development, with overarching objectives under the three themes of 'economic', 'social' and 'environmental'. Additional principles for the plan-led system are contained in paragraph 16 (positively prepared, shaped by engagement, accessible through use of digital tools etc.). In relation to heritage, another key principle is contained in paragraph 190 of Chapter 16, which states that 'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats'. We strongly

¹ <https://historicengland.org.uk/content/docs/consultations/pdr-consultation-response-sep23/>

believe that these aspects of the NPPF should be retained as core principles for plan content under the new system.

Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?

Historic England agrees with the proposal that plans should contain a vision that is locally distinct, shaped by the views of communities and informed by baseline information and inputs from other stakeholders. In preparing this, a balance will need to be struck to ensure the vision is both ambitious and deliverable. It may also be necessary for local authorities to reconcile a wide range of different views.

In relation to the proposed principles:

- The use of the key diagram as a spatial expression of the vision should help to clarify and strengthen the role of the vision as a central, driving component of the local plan.
- We would welcome further information on how it is envisaged that measurable outcomes will be included in the vision (rather than in relation to specific policies for example) without making it unwieldy.

As with other areas of the plan, while templates may be beneficial in assisting speedy preparation of (and greater consistency between) plans, it will be important that this does not unduly constrain the vision, undermine its local specificity or stifle creativity. In any areas of the plan where templating proves to be ineffective, clear and concise guidance would provide an alternative.

Question 3: Do you agree with the proposed framework for local development management policies?

Historic England broadly supports the proposed framework for local development management (DM) policies. We recognise the benefits of having consistent National Development Management Policies (NDMPs) – subject to appropriate consultation and scrutiny. These will reduce duplication within local and neighbourhood plans, while allowing plan makers to focus on local issues. Consequently, we agree that local DM policies should be underpinned by appropriate justification and, where possible, support delivery of a plan's vision.

The framework presented in the consultation is very high level at this stage, and we would therefore welcome further clarity on the scope and process for preparing local DM policies. For example, as part of the scoping and justification referred to, it will be beneficial for existing local policies to be reviewed to identify those which are important in guiding development decisions in the area, while avoiding any repetition of the content of NDMPs.

In relation to heritage specifically, it is vitally important that the need for plans to 'set out a positive strategy for the conservation and enjoyment of the historic environment...' (NPPF paragraph 190) is retained in the NPPF. Local DM policies form part of the framework for delivering this positive strategy, providing more detailed policies which might include policies on common themes such as:

- Important views (including views of or from heritage assets)
- World Heritage Sites
- Specific asset types in the local context, such as scheduled monuments, registered historic parks and gardens, or conservation areas
- Specific themes of local importance such as coastal², industrial or military heritage
- A named local asset or group of assets such as a cathedral precinct or the city walls
- Issues relevant to specific property types such as pubs, shopfronts, basements, and public realm
- A specific asset on the Heritage at Risk register, such as a disused mill, particularly where there is an opportunity for enhancement or beneficial reuse
- Climate change including retrofit of traditional or historic buildings
- Locational or criteria-based requirements for tall buildings or relating to building heights and densities etc.

Historic England looks forward to working with government and local planning authorities (LPAs) to ensure that NDMPs and local DM policies, in combination, represent a robust and positive framework for the conservation and enhancement of the historic environment.

Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?

Historic England recognises the benefits of templates to improve the consistency and speed of preparation of local plans, and to ensure that they are accessible. An area where improved consistency could be beneficial is in relation to site-specific policies. Paragraph 16(d) of the NPPF states that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision-maker should respond to development proposals. We often find that site-specific policies lack sufficient information on historic environment matters to properly assist the decision maker. This is particularly relevant where an allocation could negatively affect heritage assets on site or nearby. In these instances, policies should be drafted to provide decision-makers and developers with a clear indication of expectations for proposals affecting the historic environment. Templates to improve the consistency of site-specific policies could therefore ensure that these (and other) important issues are not overlooked.

Notwithstanding the above, plans will need to address a variety of issues within a wide range of unique geographical contexts, and we therefore welcome recognition within the consultation that templates will need to be flexible to reflect individual

² Local plan making needs to articulate its interface with the marine plan system – the UK Marine Policy Statement (MPS) and (regional) Marine Plans – as the two systems overlap between high water and the seaward limit of local planning jurisdiction (low water). Accordingly, heritage policies set out in the UK MPS and Marine Plans should inform/support local plan policies for heritage at the coast.

circumstances and enable local innovation. In any areas of the plan where templating proves to be ineffective, clear and concise guidance would provide an alternative.

Question 5: Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?

Minerals and waste developments pose different issues and opportunities for the historic environment than those of local plans. Bespoke policy templates or thematic Planning Practice Guidance may therefore be beneficial, with examples of topics of particular relevance to minerals being:

- Historic environment issues as they relate to minerals development (for example, palaeo-environmental deposits found at depth in some areas³).
- Policies to identify or support (in appropriate locations) quarries providing traditional building stone for works to historic buildings and areas, linking with policies on stone supply and on local character and distinctiveness⁴.

Historic England would welcome further engagement in developing templates for any policy areas that are relevant to our statutory remit.

Within unitary authorities, and other areas where the minerals plan and local plan are being integrated, it will be beneficial to have some consistency of style across all policies.

Chapter 2: The new 30 month plan timeframe

Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?

Historic England is sympathetic to the aim that plans should be prepared to a more ambitious timescale. The extent to which the 30 month timeframe is achievable is likely to vary widely between local authority areas. For example, in large, complex areas where major growth coincides with constraints (green belt, flood risk, landscape designations etc.), adopting a plan within 30 months is likely to be more difficult.

We are supportive of the plan making process being more closely aligned with widely accepted project management approaches. However, the interaction of the new 'gated' process with public consultations and local authority governance processes, and how this may affect timescales, would benefit from careful consideration. Further clarification would also be helpful on how the 30 month plan making period will tie in with the preparation of associated documentation under wider proposed planning reforms, such as the Infrastructure Levy and Environmental Outcome Reports.

³ Historic England guidance includes: Mineral Extraction and Archaeology <https://historicengland.org.uk/images-books/publications/mineral-extraction-and-archaeology-advice-note-13/> and Curating the Palaeolithic <https://historicengland.org.uk/images-books/publications/curating-the-palaeolithic/>

⁴ Historic England launched the Building Stones of England database in 2023: <https://historicengland.org.uk/advice/technical-advice/buildings/building-stones-england/>

Importantly, it is unclear at present what measures would be put in place in circumstances where it becomes evident that this timescale is unlikely to be met. For example, could a package of government support (in the form of project support, specific technical advice or additional resourcing) be made available to LPAs if significant and unavoidable slippage is identified at a key milestone or gateway?

We have a specific concern that the transitional arrangements for supplementary planning documents (SPDs) in Chapter 11 are incompatible with the 30 month timeframe. SPDs cover a huge range of themes, styles and approaches. Topics covered include (amongst others) heritage, World Heritage Sites, design and characterisation, building heights and densities, and climate change/renewables. A significant number of conservation area appraisals and management plans are also adopted as SPDs. We therefore welcome the indication at paragraph 205 that these can be retained as guidance, with some content being integrated into new local plans as policy.

However, the consultation text also infers that any SPDs to be retained as guidance should be not just reviewed but also 'revised' in advance of adoption of the new local plan. Some local authorities have a great number of SPDs that inform decisions on planning applications as well as providing a source of information for other projects or strategies. We would therefore favour transitional arrangements that allow for SPDs to be swiftly reviewed and re-adopted as guidance (without revisions), provided that they are found to remain in regular use and reasonably up to date. Following adoption of the plan, and once the final policies and proposals are known, there should then be a time period for SPDs to be reviewed, revised if necessary, and re-adopted. This recognises that local authorities will be in a better position to resource the comprehensive review and revision of their SPDs following adoption of their new local plans.

As an example, a number of World Heritage Sites have management plans which are adopted as SPDs. These are vital documents ensuring that development in WHSs is managed in line with the UK's obligations, and their weight in planning process needs to be maintained during any transitional period.

The speedy preparation of new local plans, in combination with the 'requirement to assist' (Chapter 9) is likely to place an additional burden on the resources of prescribed public bodies. In addition to this, paragraph 62 of the consultation suggests that any issues raised by statutory consultees in the final consultation should be resolved 'during the mandatory consultation window'. It is not clear whether this represents a change from normal consultation procedure in which written representations are submitted by a deadline, after which LPAs review the responses received? We would therefore welcome further discussions with government and clarification of the requirements to be placed on statutory consultees during local plan preparation. Either way, to ensure that LPAs are placed on a strong footing, and that any issues raised by statutory consultees can be speedily resolved, it will be vital that local authorities' specialist heritage and design teams/advisers (e.g. conservation officers, archaeologists and urban designers) are properly resourced and experienced.

Finally, in relation to specific aspects of the proposed 30 month timeframe:

- We welcome the inclusion of an early requirement to ‘notify’ statutory bodies and ‘invite’ participation prior to formal commencement of the 30 month timeframe.
- We query why the first mandatory public consultation is 8 weeks while the second is 6 weeks, as there is likely to be more information to review at a later stage in plan preparation?

Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?

Historic England considers that a Project Initiation Document could help define the scope of a plan so that work can commence on a strong footing. We welcome the fact that statutory bodies will have an opportunity to inform this document, by providing their views on what issues should be addressed and how they would like to be engaged.

More generally, an explicit project management approach to plan making could help to drive more efficient, effective and flexible/responsive process. However, this will be on the proviso that policy teams are adequately resourced and have the necessary project management skills. The same applies to other teams that will inform the plan, such as heritage and urban design specialists.

In considering the utility of the document throughout the plan making process, it should be recognised that there is likely to be some evolution in the scope of the plan and its evidence requirements as further information emerges. For example, we query the extent to which it will be possible to identify all monitoring requirements at this early stage. In relation to the plan timetable, it is recognised in Chapter 4 of the consultation that this is likely to require periodic updates.

Chapter 3: Digital plans

Question 8: What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?

As a public body, Historic England has a lead role in developing and maintaining heritage sector data standards and terminologies, to support interoperability and data sharing. We share information on this work on our website ([Heritage Data Standards and Terminology](https://historicengland.org.uk/heritage-data-standards-and-terminology/)⁵). Much of the information that we hold on designated sites is openly available online and can be [downloaded in digital format](#)⁶. We therefore advocate the application of FAIR/Q data principles⁷ (this stands for Findable, Accessible, Interoperable, Reusable and of the right Quality that is fit for purpose).

⁵ <https://historicengland.org.uk/advice/technical-advice/information-management/data-standards-terminology/>

⁶ <https://historicengland.org.uk/listing/the-list/data-downloads/>

⁷ Wilkinson, M., Dumontier, M., Aalbersberg, I. *et al.* [The FAIR Guiding Principles for scientific data management and stewardship](#). *Sci Data* **3**, 160018 (2016). <https://doi.org/10.1038/sdata.2016.18>

We are a statutory consultee in plan making and are keen to ensure that plan making data and consultation/engagement systems are compatible with heritage sector data, enabling effective engagement. We would be pleased to discuss these matters further with government as detailed proposals are developed.

A key priority that interacts with the local plan evidence base will be enhancement of the national network of [Historic Environment Records](#)⁸ (HERs) which, under the Levelling Up and Regeneration Bill, would be placed on a statutory footing. HERs are the primary source of information about the historic environment used to inform planning decisions and advice. They have been created over many decades, developing from paper-based records to predominantly digital, map-based datasets.

Please also see our response to question 15.

Plan making information relating to heritage, which could benefit from improvement/standardisation and open publication includes:

- Information contained in HERs.
- Historic Landscape Characterisation.
- Information on sites/areas that are being considered for allocation (e.g. Call for Sites data, or Housing and Economic Land Availability Assessments) in digital map form.

Information that does not lend itself to standardisation (though may benefit from a standard methodology), but which should nevertheless be made publicly available during plan preparation includes Heritage Impact Assessments (HIAs) of proposed site allocations and other area-based development proposals in the plan. Historic England guidance on [The Historic Environment and Site Allocations in Local Plans](#)⁹ provides an outline methodology for HIA of site allocations.

Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?

We recognise some of the issues listed present a challenge during plan preparation. We also agree that digitalisation may assist in certain ways such as standard formats and terminology, improved evidence, monitoring and feedback loops. However, this is subject to a number of provisos. For example, software and technical support may need to be provided to LPAs (and others including statutory bodies) to ensure that the information held is both accessible and compatible. For some types of evidence, including HIAs, a narrative approach to analysis will continue to be essential to inform good planning. Nevertheless, the outcomes of these assessments can be made available as digital reports and linked to mapped data systems to aid analysis.

More generally, the ways in which digitalisation would assist with the specific issues identified in the consultation would benefit from clarification. For example, it is unclear how digitalisation would prevent a plan from becoming out of date, as plan revisions would still need to undergo cyclical preparation, examination and adoption (i.e. rather than be maintained dynamically). This remains important to ensure that

⁸ <https://historicengland.org.uk/advice/technical-advice/information-management/hers/>

⁹ <https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>

plans are subject to appropriate scrutiny. There remains the need for plans to be dateable, referenceable and downloadable so that they can be used, for example, in relation to appeals, court cases and examinations (PDF format is commonly used for this).

Please also see our response to question 43 on equalities impacts.

Question 10: Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?

Historic England broadly agrees with the opportunities identified. However, in relation to 'standardisation of data for consistency' we would support the application of FAIR/Q data principles (see our response to question 8) rather than standardisation per se.

In addition to the tools listed, accessible and affordable software to allow 3D digital modelling of development sites within the existing (and proposed) context would be beneficial. This could assist planners and urban designers to make decisions about appropriate building heights and plot densities for their proposed site allocations. It could also inform HIA of these proposed sites. Similar tools could assist in understanding potential impacts on landscape and heritage when identifying areas suitable for renewable energy. Such tools may also be useful in engaging the public in the plan and decision making process.

While automation tools and AI may assist with some data processing tasks, they will not remove the need for professional planning and heritage judgement to be applied when making decisions about plan content, based on analysis of evidence and options.

Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?

In terms of the historic environment, a key priority will be to enhance HERs as a digital one-stop shop for heritage information, while driving improvements to data quality through application of FAIR/Q data principles (see our response to question 8).

More generally, it would be helpful if government could prioritise the development of (on an ongoing basis) a common consultation interface for statutory bodies and other stakeholders who work at a national scale or across local authority boundaries. A well-designed interface would improve the coordination and management of specialist advice during plan preparation and use, benefitting both consultees and local authorities. This could be a common user-platform used by all LPAs, or a software solution which delivers a single user experience for statutory consultees, through linking and coordinating different local authority platforms (for example, through the use of Middleware). It would be important that this platform did not unduly constrain the ability of consultees – including statutory bodies – to raise specific issues.

Recent collaboration between Historic England and local authorities on two digital planning pilots funded by the Department for Levelling Up, Housing and Communities, highlighted several priorities which could inform the design of an interface. These include designing workflows that: encourage early consultation, support consistent links between comments and specific policies; and allow consultees to raise issues that go beyond or are not directly linked to existing policy wording.

Chapter 4: The local plan timetable

Question 12: Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?

The proposed milestones to be reported on appear reasonable, as does the requirement that timetables should be updated at least every six months. For statutory bodies, which are required to engage with multiple plans concurrently, this will assist with planning for adequate resourcing and responsiveness.

We suggest that the catch-all allowance that timetables should be updated ‘if deemed appropriate’ should be applied at any point where significant slippage in the timetable (for example a delay of three months or more) is confirmed. This will ensure that timetables provide a good general indication of the progress of the plan at all times. Slippage in the local plan timetable could result from a wide range of factors such as a change in the political control at a council, staff illness or vacancies, which can have particular impacts on smaller planning policy teams.

It would therefore be helpful to know what measures would be put in place by government in situations where significant slippage is identified against a key milestone and/or the local plan timetable as a whole? For example, would a package of government support (in the form of project support, specific technical advice or additional resourcing) be made available to LPAs?

Question 13: Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable?

It will be particularly helpful if the timetable is updated as part of each gateway assessment. This would assist stakeholders in preparing for the two mandatory consultations and the Examination, which follow the three gateways.

Chapter 5: Evidence and the tests of soundness

Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?

Historic England generally agrees that the direction of travel for national policy and guidance would provide more clarity on what evidence is expected. We would welcome further information on what these evidence requirements are likely to be.

In relation to the historic environment, the investment in a robust evidence base to inform plan making (and decision taking) is a good long-term investment. This is because once in place this evidence will often only need to be periodically reviewed and updated, rather than starting from scratch. Examples of this would include information in the HER and conservation area appraisals.

However, as we set out in [our response to the Levelling Up and Regeneration Bill: Reforms to National Planning Policy \(March 2023\)](#)¹⁰, Historic England does not support removal of the 'justified' test of soundness. Indeed, elsewhere in this consultation it is stated that any local DM policies will need to be justified. The test has also been retained in the revised NPPF (September 2023). There needs to be a clear link between the requirement for a proportionate evidence base and the exercise of demonstrating that a plan is sound. Instead of removing the 'justified' test, the emphasis should be on the proportionality of the evidence base. The implications of failing to base plans on robust evidence include the allocation of sites for development that are ultimately undeliverable without major environmental or other impacts, which could undermine other government priorities such as nature recovery and good design.

We also consider that a heritage topic paper will remain a useful tool to inform Examination. This is particularly the case in areas with many and/or highly significant heritage assets or where complex issues and impacts are being navigated.

Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?

Historic Environment Records

As we discussed in our response to question 8, a key priority in relation to heritage data will be enhancement of the national network of HERs. Work has already begun to simplify access to this evidence under the [Heritage Information Access Simplified](#)¹¹ (HIAS) strategy. Within this strategy, HERs are recognised as the 'the first point of call for and primary trusted source of investigative research data and knowledge'. It would therefore be helpful if their role in informing the local plan evidence base was explicitly referred to in the NPPF.

Historic England is well placed to advise on how provisions for HERs contained in the Levelling Up and Regeneration Bill could be taken forward once enacted. There are currently 83 separate HERs across England, and we are supportive of the further standardisation and digitisation of this resource.

Other sources of evidence

Additional sources of historic environment evidence can also be signposted according to advice in Historic England's [Historic Environment Good Practice Advice in Planning: 1 The Historic Environment in Local Plans](#) (GPA1)¹².

¹⁰ <https://historicengland.org.uk/content/docs/consultations/response-levellingup-regeneration-bill-mar23/>

¹¹ <https://historicengland.org.uk/research/support-and-collaboration/heritage-information-access-simplified/strategic-background-to-hias/>

¹² <https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/>

Heritage Impact Assessment

An explicit reference within the NPPF to the need for proportionate HIA of site and area-specific policies and proposals (such as site allocations and areas suitable for renewable energy) would also be beneficial. This is particularly the case as plans are refocused towards site allocations and local DM policies. HIA helps to ensure that planning authorities identify suitable sites for development, while also reducing the likelihood of objections from consultees. Currently this is not clearly set out in national policy. Instead, the government's Planning Practice Guidance for Plan Making (Paragraph: 045 Reference ID: 61-045-20190315) refers LPAs to Good Practice Advice found on Historic England's website. Documents to be found there include GPA1 (as referred to above), and [The Historic Environment and Site Allocations in Local Plans \(Historic Environment Advice Note 3\)](#) (HEAN3)¹³. Making the key evidence requirements of these documents explicit in policy could avoid delays in plan making where evidence gaps emerge later in the process, as often happens at present.

In relation to HIA of sites/areas at plan making stage, an appropriate level of standardisation would be the promotion of a standard methodology. Historic England's HEAN3 contains an outline methodology for HIA as part of the site selection process. For World Heritage Sites, UNESCO has also recently published its [Guidance and Toolkit for Impact Assessment in a World Heritage Context](#)¹⁴. A standard methodology should therefore potentially be achievable. While there would be benefits to a standardised methodology, the same cannot be said of the outputs of the assessment, which necessarily take a narrative approach due to the complex and nuanced nature of [historic significance](#)¹⁵ and of impacts upon it.

Evidence relating to suitable areas for renewable energy

More generally in relation to the identification of suitable areas for renewable energy (NPPF paragraph 158), and in particular for wind energy (NPPF footnote 54), the lack of any detailed guidance or standard methodology is leading to a wide range of approaches nationally. [Planning Practice Guidance for Renewable and Low Carbon Energy](#)¹⁶ indicates that the exercise of identifying these areas should take account of 'the potential impacts on the local environment, including from cumulative impacts'. We would therefore welcome (and would welcome contributing to) the creation of clear guidance on the evidence requirements of this topic.

Historic England advice

GPA1, HEAN3 and other Historic England advice notes provide a range of additional advice on the plan making process and sources of historic environment evidence. We would be pleased to work further with government on which key elements of this guidance could beneficially be included in the NPPF or Planning Practice Guidance and which areas may benefit from review and standardisation or improvement.

¹³ <https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>

¹⁴ <https://whc.unesco.org/en/guidance-toolkit-impact-assessments/>

¹⁵ <https://historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/>

¹⁶ <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>

Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?

The freezing of data or evidence may be appropriate for some types of information that inform a local plan. However, it is important that local authorities are given sufficient flexibility to prepare robust evidence and to update this if necessary following feedback received through consultation or if new evidence comes to light.

In relation to heritage, the freezing of input data would not be appropriate. This is because, for example, designation of a listed building or a new conservation area, during the plan making process, would impose new statutory duties on an LPA.

In relation to the evidence contained in HIAs, if the proposal being assessed is altered during the course of plan making then it would be beneficial for the HIA to be updated to reflect this. It may be more appropriate for this evidence to be frozen when published and submitted for Examination. However, this should not prevent further negotiations during the Examination to allow the plan to be adjusted to avoid or mitigate impacts, and/or secure enhancements.

Question 17: Do you support this proposal to require local planning authorities to submit only supporting documents that are related to the soundness of the plan?

The supporting documents relating to soundness should include any evidence prepared with the explicit purpose of justifying a policy (noting that paragraph 32 of the consultation states that local DM policies should be underpinned by appropriate justification, and this will also be important for site allocations). In relation to heritage, this should include any documents required to demonstrate that the plan represents a positive strategy for the conservation and enhancement of the historic environment. We would therefore expect HIAs for site and area specific policies/proposals (e.g. site allocations or areas suitable for renewable energy) to continue to be published and examined.

Another source of evidence to inform the Local Plan evidence base, that we have referred to in this response, is the HER. As at present, the NPPF indicates that this information should be made publicly accessible (paragraph 192). However, we do not anticipate that the HER per se would need to be submitted for Examination. There may, however, be aspects of the HER, such as a historic landscape or urban characterisation studies used to justify site allocations, which would need to be submitted or at least cross-referenced in some cases.

Chapter 6: Gateway assessments during plan-making

Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?

Historic England agrees with the stated purposes of gateway assessments, i.e. ensuring the plan sets off in the right direction; ensuring compliance with legal and procedural requirements; and monitoring and tracking progress.

In addition to this, we suggest that it would be prudent to use the gateways to review any significant outstanding issues that have been raised by statutory bodies, to ensure that resolution of these is being given due consideration by the LPA.

Question 19: Do you agree with these proposals around the frequency and timing of gateways and who is responsible?

Historic England would welcome further clarification about the role of statutory bodies in the gateway process. Paragraph 114 of the consultation suggests that ‘other interested parties should not be invited to participate in workshops or contribute to reports’. However, it is unclear whether statutory bodies could be asked by the Secretary of State to comment on the content of gateway documentation, which may be beneficial in circumstances where it includes issues that they have raised, or where it reports their views, on key issues. Similarly, where the Secretary of State requires ‘independent technical advice’ as referred to in paragraph 111, would this include the advice of statutory bodies?

Question 20: Do you agree with our proposals for the gateway assessment process, and the scope of the key topics? Are there any other topics we should consider?

Historic England broadly agrees with the proposals for the gateway process and key topics. We query the suggestion that LPAs should be restricted to identifying up to five issues for consideration at Gateways 1 and 2. While we appreciate that it may not be an appropriate time to discuss a large number of minor issues, it would be a wasted opportunity if some major issues could not be discussed because of an arbitrary limit on the number. A more meaningful restriction would relate to the scale or magnitude of the issue. For example, an in-principal objection from a statutory body to an aspect of the plan that is central to delivery of the vision/strategy.

We welcome the fact that the Gateway 1 assessment will include review of the Project Initiation Document, which contains the approach to engagement with communities and statutory bodies. We also support the inclusion of scoping of topics for local DM policies at Gateway 1 stage. While it is positive that the evidence required to create a sound plan will be reviewed at an early stage, how effective this is will depend firstly on the availability of clear evidence requirements in national policy and guidance, and secondly on whether the advice of statutory bodies has been given due regard. The precise evidence requirements of the plan may also need to evolve somewhat as new information emerges during plan preparation.

We are pleased to note that Gateway 2 will consider ‘engagement with communities and statutory bodies’. It will be important that this goes beyond a statement of the ways in which statutory bodies have been engaged. Gateways offer an invaluable opportunity to highlight any significant outstanding issues that have been raised by statutory bodies, with the aim of identifying a strategy for resolving these issues prior to the local plan Examination. With this in mind, we think it would be beneficial if the LPA were allowed to identify more than five specific issues for consideration as part of this gateway.

The suggestion that ‘other interested parties’ should not be invited to participate in workshops or contribute to reports would benefit from clarification. It is not clear at present whether this includes statutory bodies.

Please also see our response to question 19.

Chapter 7: Plan examination

Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?

Historic England agrees with some of the proposals for speeding up Examinations. The proposals with which we agree are the early appointment of an Inspector, the use of panels of two or more Inspectors by default, and the option for third parties to submit a short, written statement to be considered by the Inspector, rather than appear at the Examination.

However, we also have a number of concerns about some of the proposals. At present, the Matters, Issues and Questions (MIQs) produced by the Inspector provide a list of areas for discussion at the Examination. It is important for statutory bodies to have an opportunity to comment on the MIQs, to ensure that the Examination will provide an opportunity to discuss and resolve any significant issues that they have raised. This generally takes the form of a Hearing Statement, and in some cases may be an adequate substitute for appearance at the hearings which can contribute to efficiencies. There is a risk that the loss of this opportunity could lead to more complex discussions at the Examination if interested parties wish/need to raise important issues that are not adequately covered by the MIQs.

We are also concerned about the proposal that consultation on the Main Modifications would only include the most significant amendments. As a statutory body, it is important to have an opportunity to review all changes required to make the plan sound, including policy changes, to ensure that issues have been adequately addressed.

In relation to the Main Modifications consultation, the length of the consultation should reflect the volume of material that stakeholders may need to review. The flexibility for Main Modifications to be consulted on for more than three weeks, in some circumstances, is therefore welcomed.

We believe that there may be other opportunities to enable faster and/or more effective Examinations. We suggest that, by default, the Inspectors should be digitally enabled to share information (particularly maps/plans where relevant) on screen during the Examination. This could potentially be organised and facilitated by the LPA, working with the programme officer, using documents in the Examination library.

Question 23: Do you agree that six months is an adequate time for the pause period, and with the government’s expectations around how this would operate?

A six month pause period would be reasonable only if this provides enough time for the LPA to carry out the intended tasks. For example, if the purpose of a pause is to

allow an additional piece of evidence to be prepared, then the pause should be of a reasonable length to allow for commissioning, preparation and review of this evidence in order to for the LPA to propose appropriate adjustments to sites or policies.

Chapter 8: Community engagement and consultation

Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?

Historic England is supportive of the proposal that planning authorities should set out their overall approach to engagement as part of the Project Initiation Document. As part of this we would like to see:

- An indication of how statutory bodies including Historic England will be engaged constructively during the process of plan preparation.
- An indication of which other national and local heritage bodies – such as Amenities Societies and local ‘Friends’ groups – will be engaged, or how they will be identified.
- An indication of how the LPA will engage with neighbourhood planning groups to ensure a positive and integrated approach to planning the area.

Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process?

Historic England strongly supports the proposal to require planning authorities to ‘notify’ and ‘invite’ participation on matters that might shape the direction of the plan, prior to commencement of the 30 month process. As a statutory body we would wish to be invited to participate at this early stage. This should be accompanied by an associated requirement that views of communities and advice of statutory bodies must be taken into account by LPAs, as is the case in the current [Regulation 18](#)¹⁷. This would provide an opportunity to highlight priority issues and opportunities that might steer the vision and strategy or be addressed through local DM policies. For example, there may be an important development opportunity associated with an asset on the [Heritage at Risk](#)¹⁸ register, or particular heritage-related issues and opportunities within a town centre or conservation area. This early engagement would also provide us with an opportunity to highlight key evidence requirements in relation to the historic environment of the area.

¹⁷ Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 18
<https://www.legislation.gov.uk/uksi/2012/767/regulation/18>

¹⁸ <https://historicengland.org.uk/advice/heritage-at-risk/>

Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?

Historic England agrees that early participation should inform the Project Initiation Document. This would provide statutory bodies with an opportunity to advise on key issues/opportunities and evidence requirements for the local plan, and on how we can be positively engaged as a statutory body.

In terms of the approach, while we would welcome early and ongoing engagement during plan preparation, there would be benefits to an initial timebound period of engagement in association with the formal requirement to 'notify' and 'invite' participation. In our experience, it works well to have an initial meeting between the local planning authority and Historic England as a statutory body. We could then commit to review associated information and provide further written advice on key heritage issues for the plan to address, the evidence base, and how we would best be engaged. Three weeks would usually be a reasonable period in which to provide this advice, although sometimes a longer may be needed.

Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?

Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?

While Historic England generally welcomes the proposal to define more clearly the purpose of the two mandatory consultation windows, we do have a particular concern about the templating of responses in the second consultation window. The consultation suggests that 'the second window should therefore be more focused... ensuring that questions are well-structured and targeted to garner clear community views on specific proposals and improve the clarity of representations received'. The implication of this appears to be the loss of the usual format of the 'Regulation 19' consultation (the Planning Inspectorate's Model representation form relates to this) in which consultees have the opportunity to raise issues not in relation to specific questions, but on any part, policy or mapped proposal within the plan, and to set out how they consider these issues could be addressed. This is a particularly important opportunity for statutory bodies, with the aim of making their views clear in advance of the Examination so that issues can be resolved if possible.

If responses are to be submitted using a digital template, then it will also be important that consultees can easily extract and save this information in a clear and legible form for their own records.

In our response to question 11, we have suggested that it would be helpful to have a common consultation interface for statutory bodies and other stakeholders who work at a national scale or across local authority boundaries. Recent collaboration between Historic England and local authorities on two digital planning pilots, highlighted several priorities which could inform the design of an interface. These include designing workflows that: encourage early consultation, support consistent links between comments and specific policies; and allow consultees to raise issues that go beyond or are not directly linked to existing policy wording.

Chapter 9: Requirement to assist with certain plan-making

Question 29: Do you have any comments on the proposed list of prescribed public bodies?

Please ensure that 'Heritage England' is corrected to 'Historic England' in any associated legislation, policy or guidance.

It is unclear on what basis the proposed list of prescribed bodies has been drawn up. Although they currently do not have a formal role in the local plan process, there are a number of national amenity societies (e.g. the Gardens Trust and the Victorian Society) with an interest in heritage policies and development proposals.

Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.

Our understanding is that the 'requirement to assist' would supplement consultation in only limited circumstances. Subject to clarification and agreement on the nature of those limited circumstances, Historic England has no objection to the proposed approach, provided that:

- The complementary requirement to 'notify' and 'invite' early participation is an obligation on the LPA and is applied to prescribed public bodies, ensuring that they have an opportunity for early engagement.
- The requirement to 'notify' and 'invite' participation is also accompanied by an associated requirement that views of communities and advice of statutory bodies must be taken into account by LPAs (mirroring the current [Regulation 18¹⁹](#)).
- The plan is subject to two formal consultations (including with statutory bodies) and an Examination in public, as currently proposed.

It will be important that Regulations and Planning Practice Guidance, relating to the requirement to assist, ensure that it cannot be used unreasonably. For example:

- It should not be used to seek advice on an issue that has already been received by the local authority, but not taken into account, or be used to seek information that the LPA should be reasonably expected to provide themselves.
- The time allowed for prescribed public bodies to respond to a request should be proportionate to the task, and preferably no less than three weeks. An earlier response may be provided if possible, having regard to other work priorities.
- That it should not be used at a very late stage in the plan making process, for example when matters would be best dealt with by the Planning Inspector at Examination.

¹⁹ Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 18 <https://www.legislation.gov.uk/ukxi/2012/767/regulation/18>

- That it should not be used immediately preceding or during the course of a formal consultation, when advice would best be provided through a formal response to that consultation.

Historic England would welcome additional information on what relationship the requirement to assist will have with the new 'Alignment Policy' which is expected to replace the Duty to Cooperate under the Levelling Up and Regeneration Bill.

Chapter 10: Monitoring of plans

Question 31: Do you agree with the proposed requirements for monitoring?

Historic England broadly welcomes the proposal that in future monitoring of local plans should include (i) a light touch annual return, and (ii) a detailed return to inform updates to the plan, to be prepared within four years of its adoption. We are supportive of the new requirement to prepare a fuller (year 4) analysis of how planning policies are being implemented and the extent to which the overall vision is being met. This is because meaningful monitoring of progress in relation to the historic environment is likely to be best achieved by a more in-depth, qualitative analysis that does not rely on quantitative metrics alone.

Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?

While we have no objection to the proposed nationally prescribed metrics, the absence of any specific metrics for heritage, coupled with uncertainty around the precise form and content of Environmental Outcome Reports, means that it is currently unclear to what extent annual returns will consider the historic environment. This is a key concern.

We welcome the proposal that there will be a nationally prescribed metric for 'progress toward net zero emissions from buildings' and we note that this has yet to be developed. We strongly believe that any such metric should take account of the desirability of reusing existing buildings, including buildings with heritage value. The historic environment has an important role to play in helping government to meet its net zero ambitions.

Historic England would welcome further discussions with government in relation to the effective monitoring of heritage policies and the development of meaningful metrics. We note that government is considering which environmental metrics would be proportionate for monitoring purposes in the transitional period before the implementation of Environmental Outcome Reports. Areas for further consideration in relation to heritage would include, amongst other things:

- Effectiveness of heritage policies in decision-making
- Management of conservation areas
- Progress in addressing assets on the Heritage at Risk register
- Provision of a local list of heritage assets
- Heritage and climate change (e.g. refurbishment, retrofit and renewable energy, mitigation of risks associated with flooding or coastal erosion)

Chapter 11: Supplementary plans

Question 33: Do you agree with the suggested factors which could be taken into consideration when assessing whether two or more sites are ‘nearby’ to each other? Are there any other factors that would indicate whether two or more sites are ‘nearby’ to each other?

We agree that geographical distance should be one way of determining whether sites are ‘nearby’ to one another and would benefit from a supplementary plan. How the other two factors referred to would operate is a little unclear at present. We suggest that in determining whether sites are nearby it would be helpful to consider the extent to which they are ‘connected’, i.e. their physical or functional dependencies, their common character, or common issues.

Perhaps as important as the definition of ‘nearby’ is the degree of flexibility around what may be considered a ‘site’. For example, could a supplementary plan be used to define specific policies for a town or city centre (for example, a tall buildings’ policy), a conservation area, or another area to be targeted for regeneration? Alternatively, could such policies be considered ‘design related’ and therefore within the scope of supplementary plans for wider areas? Either way, we believe that it would be beneficial for supplementary plans to be used for such area-based policies and we would therefore welcome further clarification of definitions.

In relation to designated sites/areas, such as World Heritage Sites or Areas of Outstanding Natural Beauty, it would be beneficial if supplementary plans were available to set policies, preferably beyond those relating to design alone. This is particularly the case where designations extend across local authority boundaries and where a jointly prepared plan could enable a collaborative approach, integrated planning and a consistent policy framework. For example, a supplementary plan could be used to establish a shared approach to development control for a site/area, where it differs from the norm, such as cross boundary sites. In the case of World Heritage Sites, it would also be important that the supplementary plan could set policies relating to the buffer zone and the setting of the site, as well as within the site itself.

For example, within the current planning system there is an SPD for the [Cornwall and West Devon Mining Landscape World Heritage Site](https://www.cornishmining.org.uk/conservation/planning-within-the-world-heritage-site/world-heritage-site-supplementary-planning-document-2017)²⁰. In this case the ‘site’ is made up of ten discreet areas which are often at considerable distance from one another and fall within the responsibilities of three different planning authorities.

Historic England does have some concerns about the potential loss of many useful ‘thematic’ SPDs in place under the current planning system. We believe that the transitional arrangements for SPDs should be more flexible and should allow for these to be reviewed and revised *following* adoption of the new local plan (please see our responses to questions 6).

²⁰ <https://www.cornishmining.org.uk/conservation/planning-within-the-world-heritage-site/world-heritage-site-supplementary-planning-document-2017>

Question 34: What preparation procedures would be helpful, or unhelpful, to prescribe for supplementary plans? e.g. Design: design review and engagement event; large sites: masterplan engagement, etc.

As stated in paragraph 191 of the consultation, the approach to preparing supplementary plans may need to vary according to the topic that they deal with, for example an area-wide design code or a site-specific affordable housing policy. Consequently, it may be preferable that the prescribed preparation procedures are high level, with further advice on different topics to be provided in guidance. The process of preparing a design code would presumably need to follow guidance contained in the National Model Design Code.

Nevertheless, for all topics there would be a need to collate baseline information about the site/area towards the start of the process. In relation to heritage²¹ this could include:

- Information on designated and non-designated heritage assets, from the Historic England datasets and HER.
- Information on the characteristics of the area, such as conservation area appraisals and management plans, World Heritage Site management plans, landscape character assessments and historic characterisation studies.
- Information on building heights and densities such as a tall buildings study,
- Screening for archaeological potential.

Another activity essential to the preparation of all supplementary plans would be formal and informal consultation with statutory bodies, other stakeholders and local communities.

As with local plan site allocations and other area-based proposals, we would expect the proposals in a supplementary plan to be informed and justified by impact assessments, including proportionate HIA (see our response to question 3). We welcome the indication at paragraph 190 that, depending on their content, supplementary plans may be subject to Environmental Impact Assessment/Environmental Outcome Reporting. It would be helpful if environmental screening were informed by a clear flowchart setting out the decision-making process.

We also welcome the proposal that supplementary plans will undergo an independent Examination, bearing in mind that they will have equal status to the local plan.

Question 35: Do you agree that a single formal stage of consultation is considered sufficient for a supplementary plan? If not, in what circumstances would more formal consultation stages be required?

Whilst we acknowledge the desirability of efficient preparation of supplementary plans to respond to changes in local circumstances, Historic England does have some concerns about the proposal that they should only be subject to one formal consultation. This is in contrast to the main local plan for which there would be a

²¹ Further advice can be found in GPA1: <https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/>

requirement to 'notify' and 'invite' participation, two formal consultations, and three gateway assessments (neighbourhood plans also currently undergo two consultations).

Bearing in mind the equal status of the local plan and supplementary plans, it would be preferable to have an early consultation on issues/ideas (or notification in a similar way to the local plan), followed by a consultation on a full draft of the supplementary plan. This will ensure that stakeholders, including statutory bodies, are aware of and able to inform the plan early on. In doing so it would also create a strong footing for further informal engagement. This will help to avoid situations where a single formal consultation attracts significant objections that are difficult to resolve, causing delays or, in a worst-case scenario, abandonment of the plan.

In the event that significant or complex issues are raised during the consultation on a full draft, it would also be prudent for LPAs to consider whether further work and an additional consultation would be beneficial in advance of Examination.

Question 36: Should government set thresholds to guide the decision that authorities make about the choice of supplementary plan examination routes? If so, what thresholds would be most helpful? For example, minimum size of development planned for, which could be quantitative both in terms of land use and spatial coverage; level of interaction of proposal with sensitive designations, such as environmental or heritage.

Heritage is an aspect of the wider environment. Where a supplementary plan will result in significant heritage impacts (as assessed by a HIA), particularly in cases where there are unresolved objections from statutory consultees such as Historic England, it will be preferable that the plan is examined by an Inspector appointed by the Secretary of State. In such circumstances, it is also more likely that Examination hearings will be needed to fully explore the issues under consideration.

In all cases where the plan deals with many and/or highly significant heritage assets, it will be important that the Examination is carried out by a suitably qualified person with a strong grasp of legislation, policy and guidance relating to the historic environment. This is regardless of whether the Examination is to be carried out by an independent person appointed by the authority, or an Inspector appointed by the Secretary of State.

Question 37: Do you agree that the approach set out above provides a proportionate basis for the independent examination of supplementary plans? If not, what policy or regulatory measures would ensure this?

Historic England broadly agrees to the approach to Examination contained in paragraph 200 of the consultation. We suggest that part (f) should refer to government policy and guidance, rather than only guidance.

Chapter 12: Minerals and waste plans

Question 38: Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?

We welcome the proposal that minerals and waste plans can be delivered together, or separately, in future. Should any particular difficulties arise in either process, the ability to adopt separate plans should prevent avoidable delays for the other planning function.

However, for both minerals and waste planning authorities, the 30 month timeframe may prove to be a challenge. This will firstly depend on the availability of good data. For aggregate minerals, figures for need are typically agreed at Regional Aggregate Working Parties, so obtaining data should be achievable. However, for specialist minerals (e.g. silica sands) it could be more difficult.

Similarly, for waste planning authorities calculating need for different waste management options, and types (e.g. hazardous waste) can be challenging. They may also require cooperation between neighbouring authorities. The allocation of large waste sites can also be difficult and sometimes controversial. Resolving these issues within a 30 month timeframe may be challenging.

In relation to heritage, we would welcome continued recognition of the need for building stone for conservation work to historic buildings and areas, based on the current policies in NPPF paragraph 211 (f) and (g), as well as for new build in sensitive historic areas and to promote local identity in other new development. Calculating the need/demand for this type of stone, and identifying sites for allocation in local plans, can both present a significant challenge. Historic England has recently published its [Building Stones of England database](https://historicengland.org.uk/advice/technical-advice/buildings/building-stones-england)²² and we would be pleased to discuss further with government how planning authorities may make use of this resource in preparing their minerals plans.

Chapter 13: Community Land Auctions

Question 39: Do you have any views on how we envisage the Community Land Auctions process would operate?

Historic England has significant concerns about Community Land Auctions (CLA) as an approach to site allocations. On the one hand, in cases where a marginal decision needs to be made about site allocations, the CLA process would appear to provide a means for the local authority to select sites based on their potential to raise income in addition to the developer contributions that would usually be required. This in theory could generate more money for improvements to infrastructure, potentially including heritage assets. However, in many other cases the proposal could have the effect of skewing the decision making process away from good spatial planning principles and towards income generation. Financial considerations are generally likely to favour greenfield development over the regeneration of brownfield sites where land assembly, remediation and development costs are potentially higher.

²² <https://historicengland.org.uk/advice/technical-advice/buildings/building-stones-england>

This could compromise the important regeneration of our town and city centres, historic sites and conservation areas.

There is also a lack of clarity at present about how the proposal would work in practice. For example, it is not clear whether consideration has been given to matters such as legal fees associated with options, overages/claw back mechanisms, and/or changing land values. Limited information is also provided on the relationship between CLAs and the potentially much more important mechanisms for generating receipts for infrastructure - Section 106 agreements and the Infrastructure Levy. It would therefore be helpful if government could provide some worked examples prepared by appropriately qualified chartered surveyors, to demonstrate how the CLA process would work in practice.

Should CLA pilots be introduced, we would support the proposal that piloting authorities should prepare and publish a CLA Infrastructure Delivery Strategy (IDS). This would mirror the requirement to be placed on other authorities under the Infrastructure Levy (if introduced) in terms of forward planning and accountability.

Question 40: To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?

It is imperative that financial considerations do not undermine good spatial planning or prevent historic sites and areas being brought forward for regeneration through local plans. To do so would conflict with numerous policies in the NPPF (for example paragraphs 11, 119, 120(c), 120(d) and 152, amongst others). Nor should financial considerations be allowed to compromise a local plan's 'positive strategy' for heritage (NPPF paragraph 190). Heritage issues should therefore be considered as a key priority when deciding on site allocations under CLA arrangements, and certainly no less so than at present. This would need to include a proportionate HIA of all sites as part of the site selection process (see our response to question 8). The process of identifying site allocations under the CLA arrangements should also continue to ensure that proposals will not have any unacceptable environmental impacts.

Chapter 14: Approach to roll out and transition

Question 41: Which of these options should be implemented, and why? Are there any alternative options that we should be considering?

As a prescribed public body, Historic England welcomes the indication that the introduction of new local plans will be phased. Otherwise it would be very difficult to adequately resource the level of engagement required for each local plan.

Notwithstanding any specific approach to roll-out, we hope that the proposed allowance for a scoping and early participation period prior to the formal 30 month period will help to ensure some phasing of roll-out, provided this is applied flexibly.

We strongly suggest that any grouping of local authorities into 'waves' to commence plan making is also applied flexibly. This is because there are often benefits to local

authorities preparing their evidence base as strategic groupings, whether formally or informally, for example in relation to a housing market area or travel to work area.

We welcome the government's capacity and capability initiatives, along with a proposal that any targeted support will be informed by a national survey of local authority skills and resources.

Chapter 15: Saving existing plans and planning documents

Question 42: Do you agree with our proposals for saving existing plans and planning documents? If not, why?

Historic England agrees with the proposal that existing Development Plan Documents and saved policies will remain in force until the local authority adopts a new style local plan. The proposed timescales appear reasonable.

However, we are concerned about the suggestion that SPDs would need to be reviewed and revised within the same timescale, in order to remain in place as guidance. We believe that this could present an unreasonable challenge to LPAs, and we suggest that more flexible transitional arrangements are put in place for SPDs.

Please see our response to question 6 for further discussion of this matter including suggested alternatives.

Equalities impacts

Question 43: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Historic England broadly supports the drive towards greater digitalisation of local plans. However it is important that plans (and supporting information) presented in 'digital' format can be viewed in 'analogue' format or on paper, to ensure that they are accessible to all. This reflects both the fact that access to digital information and the internet is variable across communities, and that the ways in which people choose, or are able, to engage with and digest information also varies from person to person.

Strategy and Listing Team

18 October 2023