



Historic England

Planning for the Future

Historic England: Summary 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 Digital, 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.

We welcome the opportunity to comment on the proposals set out in the Planning White Paper (PWP).

The PWP is a high-level document, containing a large number of outline proposals. Structured by theme, we set out the main areas of interest to Historic England – along with constructive suggestions – in this overview. A fuller, detailed response to the individual proposals follows as an appendix. We look forward to working constructively with MHCLG on the development of the detail.

The Value of the Historic Environment

The PWP rightly recognises the importance of the historic environment in continuing to shape the future of development in England. It also recognises the role that the creative re-use of historic buildings plays in regeneration and place-shaping.

We welcome the commitment in the PWP that the important protections for the historic environment will remain in place in any new planning system, and that the new system will seek to strengthen those protections.

The historic environment¹ is made up of a whole range of designated and non-designated heritage assets², including listed buildings, conservation areas, scheduled monuments, registered parks and gardens, battlefields and World Heritage Sites, as well as non-designated archaeology.

¹ The NPPF defines the *historic environment* as 'All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.'

² The NPPF defines *heritage assets* as 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).'



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Perhaps unintentionally, the PWP only acknowledges a limited range of heritage assets, and, if carried forward, this will result in missed opportunities to realise the historic environment's potential to contribute in many different ways to the shaping and regeneration of many different places. The PWP also seems to regard the historic environment as being in distinct areas capable of protection, rather than being interwoven into the fabric of our built and natural environment. Consideration needs to be given to protecting all elements of the historic environment, irrespective of the area in which they are.

Conservation of historic buildings and places is an inherently sustainable activity, and the PWP could have given greater recognition to the role of retaining and repairing historic buildings in combatting climate change.

Theme 1: Restructuring of the Planning System

The PWP recognises the success of the current planning system in the protection and enhancement of the historic environment. Given the diversity of the historic environment in England, a large part of that success is the flexibility within the current system, and the ability to assess impacts on the historic environment on a case-by-case basis.

We are concerned that the use of more automatic and outline/in-principle approvals, in some areas, might inadvertently lead to harm to the historic environment, as it is unlikely that every possible impact could be anticipated, and allowed for, at the plan/policy-making stage.

These concerns might be addressed by:

- Giving further consideration to the three proposed areas (Growth, Renewal, and Protected) and the interface between them. The three proposed categories may be insufficiently fine-grained to be able to reflect the complexity of existing settlement and landscape patterns. The use of sub-areas might help introduce the necessary degree of sophistication. Clarification is needed on how the impact of development in one area on an adjacent area will be managed.
- Broadening the scope of heritage assets to be considered for Protected Area status. It is proposed that Protected Areas would be those of 'particular environmental and/or cultural characteristics', such as conservation areas. World Heritage Sites, scheduled monuments, registered parks and gardens, and registered battlefields should also be Protected Areas.
- Making sure the presence of heritage assets does not preclude areas being allocated as Growth Areas provided there is sufficient assessment at an early stage. Similarly Protected Areas should not deter appropriate development or stifle creative design. The use of conservation area appraisals and management plans will help identify appropriate forms of development, and potential development opportunities within Protected Areas.
- Ensuring suitably detailed, up-front heritage screening and impact assessments of an area are carried out, including consideration of designated and non-designated heritage assets, settings and archaeological remains. Such an assessment should be done before places are allocated into any given area, and be used to inform any plan proposals, site/area specific rules, and masterplans or design codes.

- Setting out clearly how impacts on the historic environment will be taken into account subsequent to the Local Plan stage.
- It will not be possible to anticipate every possible impact on the historic environment at the plan-making stage. Therefore, sufficient flexibility needs to be retained in the planning system to allow the actual impacts of site-specific proposals to be fully assessed at the subsequent application stage. This will also allow new issues, such as the listing of a building, to be factored into decision making.
- Maintaining current practice with regard to dealing with archaeology in the planning system: this is well developed and successful. A similar precautionary approach should be carried over to the new planning system.
- Take into account heritage constraints when establishing housing requirement numbers, as unsustainable development pressure can result in severe harm to the historic environment.
- Retaining the important process of Examination (in public) of Local Plans.

Theme 2: Heritage-specific Proposals

The PWP acknowledges that ‘statutory protections of listed building consent and conservation area status have worked well’ (paragraph 3.29) and states that the intention is to build on this framework. A large part of that success is the ability to assess the impacts of proposals on a case-by-case basis: this is true not just of proposals affecting the wider historic environment, but also of proposals to make changes to heritage assets themselves.

With regards to making changes to heritage assets:

- The existing framework for protecting listed buildings, along with supporting guidance, already allows owners to make sympathetic changes to their properties, including those to address climate change issues. We note, however, the desire to review the framework and look forward to working with MHCLG and DCMS on how the heritage protection system can be improved.
- Mechanisms such as Local Listed Building Consent Orders and Certificates of Lawfulness of Proposed Works already offer a degree of flexibility to owners when undertaking repetitive or minor works. The greater use of these mechanisms should be explored.
- We have looked previously at the potential role of accredited agents within the Listed Building Consent process. This highlighted issues around possible conflicts of interest for agents. In any system of accreditation, there needs to be appropriate oversight to ensure that standards and faith in the rigour and impartiality of the planning system are maintained.
- A stronger legislative footing for World Heritage Sites should be considered.
- The new planning system should incorporate greater protections for non-designated heritage assets.
- We recommend that the current policy requirement for local planning authorities to maintain an up-to-date Historic Environment Record (HER) be made a statutory duty, as HERs are important sources of evidence to underpin local plan-making, policy formulation and decision-taking.
- We do not support the suggested abolition of S106 Planning Obligations, as such legal agreements are necessary to secure essential benefits for the

historic environment. We do, however, support the strengthening of enforcement powers and sanctions.

- The conservation and repair of historic buildings has a vital role to play in combatting climate change. We are keen to work across Government to develop policies and fiscal measures to promote the maintenance, repair and adaptation of our historic building stock.

Theme 3: Design and Place-shaping

An understanding and appreciation of the historic environment is vital to maximise opportunities for it to inform successful design and place-shaping. To that end:

- We are currently studying design codes and the historic environment, and are already working with MHCLG on the developing *National Model Design Code*.
- We support design codes that are founded on an understanding of local context and historic environment, particularly for specific character areas. We agree that proposals in Growth Areas should be dependent upon the existence of masterplans and design codes. However, provably or locally popular design codes should not inhibit creative responses to historic contexts.
- We support the creation of a body to assist councils in preparing design codes, and are keen to continue supporting MHCLG, and others, in their work in this area.
- We also support the proposal for local authorities to have chief design and place-shaping officers, although this role may be best combined with that of Chief Planning Officer.
- The retention of Neighbourhood Plans is welcomed (Proposal 9), although their relationship with Local Plans will require further consideration.

Theme 4: Capacity and Resourcing

The PWP acknowledges that the new planning system will have to be adequately resourced and this is welcomed, given the recent decline in heritage specialists and archaeologists working in the sector.

With regards to the details of capacity and resourcing:

- Establishing a more digitally enabled, integrated end-to-end planning system is something we support, because it has the potential to improve efficiency, quality and public engagement with the planning process.
- Historic England has considerable experience in assessing area character, promoting contextual design and delivering place-shaping. We also have a strong track record as a statutory consultee, and a history of proactive, collaborative working with both the public and private sectors. We are keen to use that experience to help shape the new planning system.
- Establishing the new planning system, including the up-front assessment of areas and sites, will require considerable resources at both local authority and statutory consultee level. It is also likely to require a different balance of skills than currently exists. The intention to develop a comprehensive resources and skills strategy is therefore welcomed. We look forward to working with

MHCLG, the Planning Inspectorate, and others to develop our established training programmes to support the sector.

- At Historic England, we anticipate that the greater use of up-front heritage assessments at plan-making stage may lead to a greater emphasis on screening and area assessments, and an increase in designation requests.

Other Matters

We are keen to contribute towards the development of a new planning system and to ensure that protections for the historic environment are not only maintained but improved and strengthened.

In addition to work-streams around the areas mentioned above, we look forward to contributing to the following:

- Development of a heritage screening service to ensure that an up-to-date understanding of the nature and level of special interest in the historic environment is in place;
- Development of area-based polices and design codes;
- How data on the historic environment (including our datasets) can be best made available and used to underpin the new planning system;
- Digitisation of the planning system and setting of sector standards;
- The role of statutory consultees and funding models, and;
- Sector training and skills.

We hope these comments are of value, and we attach more detailed comments on the individual proposals.

Historic England

29 October 2020



APPENDIX

Planning for the Future

Historic England: Detailed Consultation Response

PILLAR 1: PLANNING FOR DEVELOPMENT

We welcome the principle of simplified and focused Local Plans (LPs) with greater public participation in the planning process, enabling local communities to better shape decisions in their area, and create greater certainty regarding what development takes place.

We recommend the new planning system looks to achieve a balance between creating certainty through a rules-based system, set at plan-making stage, and maintaining a degree of flexibility at the detailed application stage. This is needed to allow impacts on the historic environment to be properly assessed, and to be responsive to new and changing circumstances such as discovery of important archaeological remains or new information on historic buildings.

At the plan-making stage, it is essential LPs are soundly based on the relevant evidence to enable certainty for appropriate allocation of areas for Growth, Renewal and Protection. This means a full and early screening and assessment of the significance of the historic environment in an area (including both designated and non-designated heritage assets), and an assessment of the impacts of development being proposed within the plan on that significance.

Historic England may be able to provide a screening service to inform historic environment issues at the plan-making stage, and advise on LP proposals in order to reinforce good practice ahead of allocations being determined by the Local Planning Authority (LPA).

Retaining an element of the current discretionary approach, at the subsequent application stage, is necessary to allow assessment of actual impacts of site-specific proposals. This is essential to avoid harm to the historic environment and to maintain current levels of heritage protection. The system needs to provide a means of reconciling any unanticipated conflicts which arise, should the impacts of detailed proposals on the significance of heritage assets be different to those anticipated at the plan-making stage.

In terms of resources and investment, we agree that the new planning system will require a significant shift in resources, within local authorities and statutory consultees, due to front-loading at the plan-making stage. The proposed development of a 'comprehensive resources and skills strategy for the planning sector' is therefore welcomed. Plans and policies in the new system should encourage continued investment in the historic environment, to maintain them at the heart of successful, sustainable communities. Under-investment can sometimes be as harmful as pressure for over-development, and the new planning system needs to strike the right balance between the two.

**PROPOSAL 1: THE ROLE OF LAND USE PLANS SHOULD BE SIMPLIFIED.
WE PROPOSE THAT LOCAL PLANS SHOULD IDENTIFY THREE TYPES OF
LAND – GROWTH AREAS SUITABLE FOR SUBSTANTIAL DEVELOPMENT,
RENEWAL AREAS SUITABLE FOR DEVELOPMENT, AND AREAS THAT ARE
PROTECTED.**

Whilst some simplification of land allocation is possible, we are concerned that the three categories proposed may be insufficiently fine-grained to be able to reflect the complexity of existing settlement and landscape patterns, and deal with the variety of conditions that new development will have to respond to. The use of more area types and/or sub-areas might address this issue.

Policies or rules within areas (or sub-areas) need to respond to the varied conditions within and around those areas, including ensuring that future development protects and enhances the historic environment.

The scale and inter-relationships of the different areas require clarification - particularly for Growth areas, where major development is anticipated. How would the impacts on the setting of a conservation area (in a Protected area) be reflected in the allocation of an adjacent Growth area?

Clarification is also needed as to what level of information is required to allocate land within each area, and to inform outline or in-principle decisions for individual sites. The matters included in those outline or in-principle decisions also require clarification.

The simplification of LPs should incorporate the following considerations:

- The undertaking of proportionate but suitably detailed, up-front assessments of an area. These should include designated and non-designated heritage assets and their settings, archaeological remains of national importance, archaeological evaluation, and local character, as well as screening for new or unknown elements of the historic environment.
- Such assessments must make use of relevant data sources, including Historic Environment Records (HERs) held by local authorities, national datasets held by Historic England, Lidar, local archive sources, and techniques such as archaeological sensitivity mapping. We are keen to contribute towards setting information standards to provide the appropriate evidence base for LP production and subsequent planning applications and curate a range of relevant datasets which could be used to aid this purpose.
- Those assessments should be used to underpin area allocations, LP policies, masterplans and design codes.
- Sufficient flexibility must be retained within the planning system to allow for the actual impacts of site-specific proposals on the historic environment to be assessed in some way, because it will not be possible to anticipate every possible impact at plan-making stage. This will also allow issues which emerge subsequent to the plan-making stage (such as the listing of a building) to be factored into decision-making.
- The new system will also need to incorporate a mechanism for resolving any conflicts which arise at the later application stage. This may involve the ability to revise the LP and/or design codes accordingly.

- It is unclear how ‘non-standard’ uses (such as minerals extraction) would fit into the three-area system. Minerals and waste proposals have the potential to have significant impacts on the historic environment, and it is essential that robust mechanisms remain in place for assessing those impacts.
- It is also unclear whether use classes would be protected in the new planning system. An element of control would be necessary to enable local authorities to deliver sustainable neighbourhoods and, for example, support historic high streets.
- Whilst the intention is that development would follow established design codes, etc., it is also unclear how a development type not anticipated at plan-making stage would be assessed; for example, a new school in a residential area.
- Setting out limitations of height and/or density in Growth and Renewal areas may go some way to addressing concerns regarding potential impacts on the historic environment.
- Historic England is currently exploring how sensitivity mapping of archaeological remains might work in an area-based approach to planning³. We have examples of the past successful use of sensitivity mapping in particular contexts, and we are exploring the development of a suite of approaches for potential use in Growth and other areas.

We have the following comments with regards to the three areas proposed in the PWP:

Growth Areas

- With no definition of ‘substantial development’ in the PWP it is not possible to be confident as to whether it would be appropriate to give such development a form of outline permission at plan stage⁴.
- Major (or substantial) developments are those that are likely to have the greatest impacts. We are concerned that there will be insufficient information available at plan-making stage to fully assess those impacts⁵, and it may therefore be inappropriate to grant in-principle permissions for substantial developments.
- The presence of heritage assets should not preclude land being categorised for Growth or Renewal, provided there is an appropriate level of assessment.

In response to Growth areas, we suggest the following:

- It may be necessary for promoters of sites in Growth areas to provide such information and assessments up-front or possibly be subject to a proposal fee. Where archaeological potential is high, this may require submission of archaeological investigation prior to allocation stage, to avoid future issues.
- The scale and number of Growth areas nationally will impact on the resources required to undertake such heritage assessments. Historic England may have a role to play in undertaking screening and assessments, especially where

³ Historic England is supporting various projects that could feed into a methodology for area based survey and predictive modelling, also known as sensitivity mapping.

⁴ See also our comments on Proposal 5

⁵ It is unlikely that sensitivity mapping will predict specific locations of significant archaeological heritage assets. It is more likely that techniques will provide a greater confidence rating of the likelihood that they are present in a given locale.

there is an identified need to assess assets for potential designation prior to allocation.

- Screening Growth areas for heritage assets could inform the management of these areas. This would underpin any policies for those areas, as well as subsequent masterplans and design codes. It would also give developers greater certainty and avoid possible conflicts at detailed application stage.

Renewal Areas

Many of the points made above are equally applicable in Renewal areas.

Additionally:

- It is not clear how the 'statutory presumption in favour of development being granted for the uses specified as being suitable in each area' (paragraph 2.8, second bullet point) would interact with other legislative and policy requirements.
- The scope of 'gentle densification' is unclear. We agree there may be locations where there is potential for some increase in density, but this needs to be appropriately considered and controlled in order to avoid adverse impacts. Historic England has published a study on how residential density can be successfully increased within sensitive environments (*Increasing Residential Densities in Historic Environments*, 2018), and this may be of interest when developing this proposal.
- The careful use of 'sub-areas' may allow for a more nuanced gradation of development forms, including 'gentle densification'.

Protected Areas

The principle of Protected areas is welcomed, however:

- The historic environment (and especially archaeological remains) does not neatly coincide with particular areas. How the new planning system protects the historic environment outside Protected areas is fundamental to ensuring harm is avoided.
- Whilst we support the protection of areas with 'particular... cultural characteristics' (paragraph 2.8, third bullet point), it is not clear why areas such as World Heritage Sites (WHSs), registered parks and gardens or registered battlefields, or indeed scheduled monuments, are not included among the named components of Protected areas. This may be an oversight.
- It is also unclear whether WHS Buffer Zones (where these are present) would be included in Protected areas, and, more generally, how the settings of such areas (or indeed other heritage assets) would be protected.
- Clarity is needed over whether protected cultural characteristics would be defined nationally or locally.
- There are concerns that overly restrictive, blanket policies in Protected areas may lead to missed opportunities for sites where redevelopment is desirable and miss opportunities for enhancement of the historic environment. This would be contrary to the desire of the PWP (paragraph 3.30) for 'historic buildings [to] play a central part in the renewal of our cities, towns and villages'. The new planning system needs to be adaptable to suit a variety of situations, and blanket policies may unintentionally deter much-needed investment in historic areas, and cause opportunities for housing delivery to be missed.

In response to Protected areas, we suggest the following:

- Ensure that any subsequent policies in Protected areas are suitably fine-grained to respond to varied local contexts and provide clarity and transparency when determining applications.
- Ensure there are up-to-date management plans or appraisals for Protected areas. Conservation Area Appraisals can help identify and articulate local character and built form, and are useful tools in informing design guidance/codes, or identifying potential development sites.
- Appraisals, using information from HERs, Extensive Urban Surveys and Urban Archaeological Databases, can also identify opportunity sites and set out appropriate guidance for their development, providing certainty for local residents and developers. They are powerful tools, particularly when prepared in conjunction with local communities.
- Historic England helped develop a toolkit so that local communities could effectively assess the character of their area. This was developed into *The Oxford Character Assessment Toolkit*. The methodology has been adapted and used successfully in many other places. Such techniques may help local councils and communities assess the significance of their Protected areas.

Alternative Options

Given those concerns we would not support alternative option one (paragraph 2.11), namely combining Growth and Renewal areas.

Subject to the caveats of appropriate up-front assessment, alternative option two is the best option of all (namely that of limiting automatic permissions to Growth areas, as set out in paragraph 2.12). We do, however, have concerns regarding the extension of permission in principle to major/substantial development, as set out above and in our recent response to the consultation on *Changes to the Current Planning System*.

PROPOSAL 2: DEVELOPMENT MANAGEMENT POLICIES ESTABLISHED AT NATIONAL SCALE AND AN ALTERED ROLE FOR LOCAL PLANS

The principle of streamlined and standardised LPs, with a reduction in duplication of national policies, is supported. We agree that LPs should be able to alter nationally-set development management policies to suit the local context, provided that national legislative requirements (such as those relating to protection of the historic environment) are maintained. It is also important that LPs continue to set out a community-supported vision for an area or district.

Which development management policies will be set at a national scale (and how) is, as yet, unclear. We look forward to inputting into such national policies to ensure that protection and enhancement of the historic environment is adequately addressed.

Within LPs we agree it is important to set out site-specific requirements including broad height limits, scale and/or density, permeability and access (paragraph 2.13). LPs also need to retain the ability to plan for the provision or retention of essential local services and infrastructure in order to create successful, sustainable places.

Given the unique nature of most of England's listed buildings, the reference to the interest in 'optional technical standards' (paragraph 2.13) is of concern, but we address this in our response to Proposal 17.

We support the use of visual and engaging plans. There are concerns about the capacity and capability of local authorities to deliver both new LPs and design guides and codes at the same time, as suggested in paragraph 2.14.

We also support a more digitally enabled end-to-end planning system, with greater access to necessary data and evidence. However, we are concerned with the suggested use of machine reading and automation to consider some aspects of decision-making (paragraph 2.15). Whilst there may be matters where this is applicable (for example, assessment of car parking provision) there are areas where this would be unworkable and undesirable, such as in the assessment of impacts on the settings of listed buildings which require case-by-case judgment.

Alternative Options

The first alternative option (paragraph 2.16) would allow a sufficient degree of flexibility to respond to local circumstances, whilst introducing a degree of standardisation: we are more supportive of this option, subject to greater certainty about what the limit of scope of those policies might be.

The second suggested alternative option would be the best of all. It would allow local policies which could better respond to Protected areas or be of use when dealing with non-standard uses in other areas.

PROPOSAL 3: LOCAL PLANS SHOULD BE SUBJECT TO A SINGLE STATUTORY 'SUSTAINABLE DEVELOPMENT' TEST, REPLACING THE EXISTING TESTS OF SOUNDNESS

Retention of sustainable development as a key objective of the planning system is positive.

Any definition of 'sustainable development' used in this test must afford appropriate weight to the protection and enhancement of the historic environment, and we would suggest retaining the approach currently set out in the NPPF, albeit in legislation.

The NPPF currently states that 'Plans should set out a positive strategy for the conservation and enhancement of the historic environment...' (paragraph 185), and this requirement should remain.

The clear commitment to continued adherence to UK and international law and treaties is welcomed (paragraph 2.18). However, the reference to 'fewer requirements for assessments' in support of LP preparation is of concern. Whilst there may be some planning issues where a reduced evidence base is acceptable, given the intended greater importance of the LP (for example, through the increased use of outline/automatic permissions), the focus should be on ensuring that appropriate (proportionate) levels of assessment are retained.

Duty to Cooperate

Irrespective of whether the Duty to Cooperate is retained in its current guise, some form of cross-boundary cooperation will continue to be required, over strategic issues such as housing and infrastructure.

A form of the Duty to Cooperate is also essential when considering large area designations, such as WHSs, where impacts in an adjacent local authority area may affect a site in another.

An example of how strategic cross boundary issues could work may be seen through the London Plan which enables the London Boroughs to work with one another for the greater achievement of all. There may be a role for County Councils where there are two tier authorities to come together to address cross boundary issues.

Infrastructure

It is not clear whether the 'infrastructure' referred to in paragraph 2.20 is that relevant to the local area (for example, transport hubs, active travel connections, etc.) or whether it is national infrastructure (for example, Development Consent Order (DCO) applications or hybrid bills).

Alternative Options

Reforming the existing tests of soundness (alternative option, paragraph 2.22) would better reflect the multiple dimensions of plans and their responsibilities, and be preferable to the introduction of a single test.

The example of an alternative option, requiring local authorities to 'identify a stock of reserve sites which could come forward for development if needed' is of concern. The unmodified Standard Method for establishing housing requirement figures proposes a significant uplift in numbers in some areas, and the PWP also proposes that local authorities provide a buffer (of sites) to accommodate the differences between permissions granted and sites built out by developers. The need to identify *further* reserve sites would only lead to further pressure to bring *those* sites forward, regardless of their 'reserve' status. This would lead to greater uncertainty for local communities in terms of what would be delivered in their area.

PROPOSAL 4: A STANDARD METHOD FOR ESTABLISHING HOUSING REQUIREMENT FIGURES WHICH ENSURES ENOUGH LAND IS RELEASED IN THE AREAS WHERE AFFORDABILITY IS WORST, TO STOP LAND SUPPLY BEING A BARRIER TO ENOUGH HOMES BEING BUILT. THE HOUSING REQUIREMENT WOULD FACTOR IN LAND CONSTRAINTS AND OPPORTUNITIES TO MORE EFFECTIVELY USE LAND, INCLUDING THROUGH DENSIFICATION WHERE APPROPRIATE, TO ENSURE THAT THE LAND IS IDENTIFIED IN THE MOST APPROPRIATE AREAS AND HOUSING TARGETS ARE MET.

The mechanism for the Standard Method for establishing housing requirement figures is the subject of the consultation *Changes to the Current Planning System*, our response to which is available [here](#).

Constraints need to be factored into any test to ensure unattainable housing requirements are not set. For example, an already densely-developed inner London borough with high property values and a very limited supply of brownfield sites may not have the capacity to deliver, year-on-year, housing requirement figures from the unmodified Standard Method. Seeking to do so might result in an unacceptable form

of development, not in keeping with local character, and thus in conflict with other elements of the PWP.

We welcome the continued commitment to optimising development of brownfield land and the retention of existing protections for the Green Belt, noting the importance of Green Belt in preserving the setting and special character of historic towns.

The inclusion of buffer sites to ‘account for the drop off rate between permissions and completions’ (paragraph 2.25) will lead to increased pressure for land-release where developers are failing to deliver homes. It is therefore more likely to create a perverse incentive not to deliver, rather than to increase delivery in the short term, leading to the risk of undermining the achievement of the Government’s housing and conservation objectives. Through no fault of their own, this would lead to greater uncertainty for local authorities and communities about what would be delivered in their area, and greater potential pressure on the historic environment. *Fixing our Broken Housing Market* recognised that the responsibility for delivering houses was shared by LPAs and developers, and looked to solutions within and outside the planning system: such an approach would also be helpful here.

PROPOSAL 5: AREAS IDENTIFIED AS GROWTH AREAS (SUITABLE FOR SUBSTANTIAL DEVELOPMENT) WOULD AUTOMATICALLY BE GRANTED OUTLINE PLANNING PERMISSION FOR THE PRINCIPLE OF DEVELOPMENT, WHILE AUTOMATIC APPROVALS WOULD ALSO BE AVAILABLE FOR PRE-ESTABLISHED DEVELOPMENT TYPES IN OTHER AREAS SUITABLE FOR BUILDING.

Outline/In-Principle Decision Making

We welcome the emphasis on strengthening the plan-led approach within this proposal. Clarity is needed on the full range of evidence that will be required to allocate land into each category, and to set parameters and policies within those areas. The scale and inter-relationship between areas is also unclear.

The concept of granting outline permission for the principle of development (in Growth areas), and automatic approvals for pre-established development types (in other areas) is of great concern, if protections for the historic environment (at both plan-making and decision-making stages) are not adequately factored in.

The level of information required at plan-making stage will not be sufficient to fully assess all the impacts that might be caused by development of a particular site. The actual impacts of site-specific proposals can only be judged at a later stage when sufficient detail is available. The new planning system must retain some means of assessing those impacts at that later stage, in order to ensure protection of the historic environment is not diminished. It should include appropriate consultation with statutory consultees.

A caveat on the outline/in-principle permission (such as ‘unless material considerations indicate otherwise’) may introduce some flexibility. Where it becomes clear, at details stage, that it is not possible to deliver an acceptable development based on the plan-stage permission, a mechanism for revising the automatic/in-principle permission (without a requirement for compensation) needs to be

considered. Continuation of a precautionary approach to archaeology at detailed application stage is required as well as a duty to report finds at the on-site stage.

The PWP is not clear what matters will be covered by such outline/in-principle decisions, and what matters will be reserved.

Detailed Routes to Consent

For Growth areas:

- Substantial or major development in Growth areas has the potential to have significant impacts on the historic environment. An outline form of permission will not give sufficient certainty as to what those impacts might be.
- The use of the 'reserved matters process' (paragraph 2.32, first bullet) will not provide an appropriately robust mechanism to allow any possible conflicts to be addressed. Clarity will be needed around the basis for such determinations. Prior Notification was envisaged only to deal with matters of fact, rather than the degree of judgement now being suggested.
- Outline or in-principle/automatic permissions should not be applied to sites containing designated heritage assets or likely to have an unacceptable impact on one.
- Nationally Significant Infrastructure Projects (NSIPs) are not designed for predominantly residential schemes. Would housing be reclassified as 'Infrastructure' and therefore be subject to a National Policy Statement? Providing additional routes for consent via the NSIP/DCO process moves away from the objective of a simplified planning system.

For Renewal areas:

- Similar significant concerns exist regarding the proposals (paragraph 2.33) for automatic permissions for pre-determined development forms in Renewal areas. Insufficient information will be available at plan-making stage to enable a full assessment of impacts on the historic environment.
- It is unclear how 'the presumption in favour of development established in legislation' (paragraph 2.33) would align with the requirements on the LP and allow decision-makers to take impacts on the historic environment into account.
- Given our understanding of the extent of Renewal areas (existing built areas, outside Protected/Growth areas) it is difficult to envisage 'pre-specified forms of development' that would be appropriate across the entirety of a particular Renewal area.

Consolidated Existing Consent Routes:

The intention to examine existing routes to consent (paragraph 2.37) is welcomed and we look forward to working with MHCLG on such a review. Existing PD Rights should be considered as part of this review, as we are concerned about potential unintended harm to the historic environment through their use. This is true of PD Rights for demolition and rebuild, as well as for incremental changes from telecoms equipment installed using PD Rights.

PROPOSAL 6: DECISION-MAKING SHOULD BE FASTER AND MORE CERTAIN, WITH FIRM DEADLINES, AND MAKE GREATER USE OF DIGITAL TECHNOLOGY

Use of Digital Technology

Greater digitalisation throughout the planning system is welcome and we look forward to working with MHCLG on this. Considering the entire lifecycle of a planning application is important, as is the use of common data standards, and the sharing of data across stakeholders. We are already in discussion with the Geospatial Commission about provision of data, and look forward to further discussions about how data relating to the historic environment can support any new digitally enabled planning system.

The PWP highlights the importance of engaging with communities, and technology provides scope for much wider opportunities than might otherwise be the case. However, the simple notice on a lamppost indicating proposals for development should not be overlooked, as it draws the attention of the community in a clear visual way that might otherwise be missed using digital only notifications. It is also important that individuals or communities with less access to digital technology are not disadvantaged.

Standardisation of Data

Provision of the correct information at validation stage is very important, and we want to assist in developing new, common data standards, including the efficient transfer of digital information between stakeholders involved in the processing of an application.

We welcome more standardised applications, and do not object to the principle of shorter planning statements. However, the NPPF is clear that, when considering heritage related applications, 'the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance' (paragraph 189). In our view this is the correct approach. Minor works to a Grade II building may require a very brief heritage statement, whereas significant works to a multi-phased Grade I building would require a proportionately larger heritage statement; it would be unhelpful, and contrary to the NPPF, to seek to introduce an arbitrary limit in such cases. Our advice on *Statements of Heritage Significance* (2019) could usefully be referred to in this regard.

The role and status of Historic Environment Records (HER) should be formalised. We recommend that the maintenance of these Records becomes a statutory requirement. Along with local studies libraries and archives, HERs are important sources of evidence to underpin local plan-making, policy formulation and decision-taking.

Faster Decision Making

Whilst acknowledging the desire to streamline the planning system, there are tensions between that aspiration and those of improving design quality, delivering sustainable development through considered decision-making, and ensuring levels of protection for the historic environment are not diminished.

With regards to the intention to delegate 'detailed planning decisions to planning officers where the principle of development has been established' (paragraph 2.39),

we would note that the vast majority (usually c. 98%) of planning decisions are already taken under delegated authority, with only larger developments impacting a community, or those with a degree of local interest, generally being decided at committee.

We support the principle of planning authorities reaching timely decisions; not least by returning 99.7% of our advice to them within agreed timescales. However, there are occasions when LPAs may not be able to meet the 8- or 13-week deadline; for example, when unforeseen and/or complex issues have come to light during the application itself. The new planning system needs to allow for a degree of flexibility in this regard.

We do not support the proposal of 'deemed consent' for applications not decided within a set period. Doing so may inadvertently approve inappropriate development to the detriment of local areas and communities, and weaken confidence in the planning system. An unintended consequence may be an increase in the rate of refusals, as LPAs seek to avoid such deemed consents, or of developers seeking to artificially prolong the handling of applications in the hope of 'timing-out' their application.

Refunding planning fees for applications not determined within set timescales, or for planning committee decisions overturned at inquiry, may have similar unintended consequences, and may inadvertently encourage LPAs to be more risk-averse when taking difficult, or unusual, decisions, which again could impact on the quality of decision-making and the built environment.

PROPOSAL 7: LOCAL PLANS SHOULD BE VISUAL AND MAP-BASED, STANDARDISED, BASED ON THE LATEST DIGITAL TECHNOLOGY, AND SUPPORTED BY A NEW TEMPLATE.

We fully support more visual, map-based LPs. We have considerable experience of working with multiple LPA software platforms across the country and are keen to assist in shaping national data standards and templates. We hold a number of heritage-related national datasets, which are essential to underpin plan- and decision-making. We are already in discussions with MHCLG as to how they can best be integrated into the new system. These should form one component of the information requirements to underpin LPs, design codes, etc.

We suggest:

- The use of standard templates will need to incorporate a degree of flexibility to reflect individual circumstances at some local authorities.
- Care should also be taken that individuals and communities with limited digital skills or access to digital platforms are not disenfranchised by such a move.
- We support an examination of the use of 3D visualisations, if these can be produced economically, accurately and to agreed standards. These must use topographically accurate base-maps to ensure greater accuracy.

PROPOSAL 8: LOCAL AUTHORITIES AND THE PLANNING INSPECTORATE WILL BE REQUIRED THROUGH LEGISLATION TO MEET A STATUTORY TIMETABLE FOR KEY STAGES OF THE PROCESS, AND WE WILL CONSIDER WHAT SANCTIONS THERE WOULD BE FOR THOSE WHO FAIL TO DO SO.

Given the necessity for greater up-front assessment of sites at plan-making stage, allied to the aspiration for greater public engagement in the plan-making process, 30 months will be a challenging timetable for new LPs. This will require a considerable shift in, and provision of, resources by both local authorities and statutory consultees. A longer timescale may be needed for the first generation of plans under a new system if the PWP's aspirations are to be fully realised.

It may be useful to work with a selection of councils to sketch out how the proposed timescale might work, including factoring in screening for potential heritage interest, etc. Some LPs will inevitably be more complex than others in their conception, and some may have to accommodate greater levels of participation during public engagement.

Stage 1

Presumably stage 1 would include setting out the aims and vision of the LP. If stage 1 is also to involve both a call for sites and public involvement, six months appears to be short. It may be beneficial (and certainly more efficient) for LPAs to begin gathering some elements of its evidence base at this stage.

Stage 2

Given the greater degree of certainty desired from LPs there will be a significant burden on local authorities, and others, to have sufficient information to assess the allocation of areas, to consider specific area-based policies and also to consider the types of development that might be appropriate for sites in those areas. Collating and assessing this evidence base will take time, and the twelve months for stage 2 will be challenging. This assumes that LPAs have the resources to undertake such work, and access to the skill-sets required. Insufficient time at this stage risks areas and sites being taken forward with inadequate consideration, with the potential to cause adverse impacts or irreconcilable issues at a later stage.

It is not clear if only sites identified following public consultation during stage 1 would be assessed in stage 2. It is also not clear at which stage different options for achieving the aims of a LP would be assessed.

Stage 3

Given the desire for greater public engagement in the plan-making process, the six weeks for stage 3 is short. It is not clear whether or not statutory consultees are to be notified at this stage. It is also unclear how, and when, comments from the public and consultees would be taken on board, and whether the LP will be re-drafted at this stage.

Local Plan Examination

Examination in Public is an important part of the plan-making process, allowing communities and other participants a voice in the process and an opportunity to see the balancing of issues being undertaken by an Inspector.

This appears to be the first stage at which comments from the public and consultees are fed into the process. It is unclear how the Inspector might take them into account

or what the process is for the LPA to respond to them or change the draft Plan in response. Given the intent of the PWP is to engage communities in the planning process, and the importance of the LP in the proposed new planning system, this lack of clarity is of great concern, and appears to be placing a difficult burden on PINS.

Alternative Options

Whilst there may be the possibility of rationalising the process (alternative option one, paragraph 2.53), we would not support examination through written representations only, or the removal of this stage entirely (alternative option two, paragraph 2.54). Involvement of statutory consultees, and the final assessment of a Plan's soundness by an Inspector, brings important independent advice from a national perspective; we therefore would not support the process of 'self-certification' by LPAs.

PROPOSAL 9: NEIGHBOURHOOD PLANS SHOULD BE RETAINED AS AN IMPORTANT MEANS OF COMMUNITY INPUT, AND WE WILL SUPPORT COMMUNITIES TO MAKE BETTER USE OF DIGITAL TOOLS

Whilst our experience of Neighbourhood Plans (NPs) is that they can vary considerably in terms of vision and scope, they can be an important way for local communities to actively shape their area.

A great deal of consideration will be required to ensure that NPs, if retained, will have a clear basis upon which they are prepared, so that they do not replicate development management policies set out either in the LP or in national policy.

There will also need to be parity with LPs, in terms of the extent to which NPs can set development management policies. We would be concerned if NPs could set specific development management principles for individual streets (paragraph 2.56), as this may lead to further fragmentation of the planning system, increasing confusion for communities.

As with LPs, there needs to be clarity regarding the information required to underpin NPs, and the role and scope for the definition of the 'development plan' in the determination of applications.

Adequate resources will be necessary to underpin NPs (including access to HERs), and they will need to be fully integrated with LPs and a new digitally enabled planning system.

PROPOSAL 10: A STRONGER EMPHASIS ON BUILD OUT THROUGH PLANNING

We support a stronger emphasis on encouraging build-out, as this will reduce pressure on land release by local authorities.

There are a significant number of un-built permissions which could be contributing towards housing demand being met. Ensuring those sites are delivered would reduce pressure on LPAs, through no fault of their own, to release more land for

housing. This would reduce pressure on the historic environment and give greater certainty to councils and communities that development in their area will be properly planned for.

PILLAR 2: PLANNING FOR BEAUTIFUL AND SUSTAINABLE PLACES

The intention ‘to ensure that we have a [planning] system that... protects and enhances our precious environment’ (paragraph 3.1) is welcomed.

Consideration of ‘beautiful and sustainable places’ and buildings should not be limited to their physical appearance alone, but includes many things which contribute to vibrant, liveable places, that are responsive to local character and the historic environment.

There is a growing body of evidence around the benefits of sustainable, liveable cities. Increased emphasis on less car-dependent new development would help alleviate issues of congestion and pollution in some of our most valued historic cities and elsewhere. Through our work in supporting place-shaping and design, reinforced through our practical experience of supporting historic high streets, we recognise the importance of high-quality environments in attracting people to successful places.

We agree that new development should enhance our existing towns, cities and landscapes, and improve the quality of places. However, we are concerned with the use of the term ‘net gain’ in the context of the historic environment (paragraph 3.2 and elsewhere). Net gain may be possible in some areas of planning: for example, it may be possible to accept the loss of public open space of a set size in one place if it is offset by provision of a larger area of public open space elsewhere. However, the historic environment is a finite, fragile and irreplaceable resource and cannot be replicated in a wholly authentic manner once lost; the term ‘conserve and enhance’ is much better understood as meaning avoidance of harm as well as improvements.

We agree that development should respond to local character and be acceptable to communities. At the same time, creative responses to local context should not be discouraged.

Many of the illustrations in the PWP show developments which have responded creatively to the historic environment, and there are many more examples of this around the country. A number of Historic England publications illustrate how the historic environment can be a catalyst and inspiration for good, modern design:

- *Sustainable Growth for Historic Places*
- *Constructive Conservation in Practice*
- *Increasing Residential Densities in Historic Environments*.

PROPOSAL 11: TO MAKE DESIGN EXPECTATIONS MORE VISUAL AND PREDICTABLE, WE WILL EXPECT DESIGN GUIDANCE AND CODES TO BE PREPARED LOCALLY WITH COMMUNITY INVOLVEMENT, AND ENSURE THAT CODES ARE MORE BINDING ON DECISIONS ABOUT DEVELOPMENT.

The emphasis placed on the importance of good design in the PWP is welcomed. Local design codes need to reflect the importance of local distinctiveness and the contribution that the character of a place makes to its economic, social and cultural well-being. The distinctiveness and character of places is often embodied in its heritage, and is one thing that all places have. It can be used to support the regeneration of areas that need it most. It is vital that a codes-based system allows for that distinctiveness to flourish.

We are reassured that key documents, such as the *National Design Guide*, emphasise the importance of Context and Identity. The *National Design Guide* states:

Well-designed places are:

- *Based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;*
- *Integrated into their surroundings so they relate well to them;*
- *Influenced by and influence their context positively; and*
- *Responsive to local history, culture and heritage.*

Emerging Historic England research looking at the use of design codes, and the contribution they make to the protection and enhancement of historic character and local distinctiveness, suggests that design codes can have a positive effect on the design of new development located in sensitive historic areas.

Successful codes are anchored on a robust understanding of local context. This is ideally gained at an early stage through professional assessment and local engagement. Methods of understanding local character are well established within the heritage sector, such as through historic area assessment, landscape character assessment, and conservation area appraisals. The principles and practices of such methods could be readily repurposed to support a *National Model Design Code* programme. Historic England is already looking at ways in which existing data sets could be utilised to support preparation of design codes.

The interim conclusions of the Historic England research relevant to Proposal 11 are outlined below:

- The enhancement of existing heritage assets has not been widely prioritised within design codes to date. Ensuring the *National Model Design Code* accounts for the inherent benefits of integrating heritage into place-shaping practices is pivotal.
- Vital to the successful development of design codes is local government having access to the right skills and expertise, including investment in heritage, urban design, and development economics expertise. Access to these skills within local authorities beyond a code's creation is key to ensuring compliance.
- Training of heritage and urban design professionals in design codes should be prioritised. Key skills deficits include design code principles and practice, technical design skills for heritage, understanding of development economics,

and collaborative design approaches between developers, consultants, the public sector and communities.

- Heritage representation will be required within both a new national design body, and any associated regional panels established to support design codes.
- The heritage sector has extensive evidence on the qualities of historic places, developed through decades of research initiatives. Many of these resources lie dormant and/or lack weight in the planning system. They may find renewed life supporting design codes which promote locally contextual design.

We would also add:

- We welcome the intention that design codes will be locally produced and with input from local communities.
- Careful consideration is required regarding the extent to which design codes are binding; how they are framed within LP-making; and how they are dealt with in decision-making on applications.
- The scale at which design codes will be applied is crucial to their success. A district-wide design code may be insufficient to reflect the variety of locally distinct areas and settlements within it, unless such a document is supported by codes for particular locally-distinctive areas.
- A planning system based on a more rules-based LP (with more binding design codes, etc. thereafter) will not succeed if those policies and rules continue to be challenged at application stage, in the manner of the current planning system.
- In order to fulfil the government's aspirations, design codes must require high-quality development, informed by a vision for that area, rather than being a mechanism for delivering a limited variety of standard house-building types.
- Design codes should also address the need to mitigate and adapt to climate change. A great deal can be learned about how to adapt to the risks of climate change by considering the location, design and construction of traditional buildings which have proved resilient to environmental challenges for centuries.
- Design codes should be reviewed at suitable, regular intervals, based on the built development outcomes from those codes and community acceptance of this.
- Some design codes may be specific to an area owned by one developer, and it may be appropriate for them to fund the preparation of design codes for that area; however, such codes should be prepared with a necessary degree of independence to ensure the local community, and others, have confidence in those codes.

We support the intention to revise and consolidate the *Manual for Streets* (paragraph 3.6), especially where this allows flexibility for streetscape and public realm to reflect local character. Our national and regional *Streets for All* guidance may help in this regard, along with our advice on *How to Improve Your Street*.

PROPOSAL 12: TO SUPPORT THE TRANSITION TO A PLANNING SYSTEM WHICH IS MORE VISUAL AND ROOTED IN LOCAL PREFERENCES AND CHARACTER, WE WILL SET UP A BODY TO SUPPORT THE DELIVERY OF PROVABLY LOCALLY-POPULAR DESIGN CODES, AND PROPOSE THAT EACH AUTHORITY SHOULD HAVE A CHIEF OFFICER FOR DESIGN AND PLACE-MAKING.

A Body to Support the Delivery of Design Codes

We agree with the need for a body to support local authorities to deliver high-quality places, and look forward to working collaboratively with such a body. The importance of context and local character is important in achieving quality design outcomes and, given our experience of promoting such design approaches, Historic England has much to offer.

- Such a body would require a clear remit, in terms of ability to advise, challenge and/or monitor local authority design code activity.
- Limiting design codes to ‘provably locally-popular’ ones may miss opportunities for creative responses to individual contexts.
- Consideration of design codes and the creation of high quality places should include commercial and public buildings, green spaces and urban design, and not just housing. We would therefore question whether Homes England, with its specific focus, would be an appropriate host for such a body, although we do agree that they (along with other relevant government agencies) should place a greater emphasis on design quality and the historic environment.
- Such a new or existing body should include, or be able to draw on, expertise from others, such as organisations like Historic England, the RIBA and the RTPI, as well as experienced, individual practitioners. In order to be valued by both the public and private sectors, such a body should be independent and adhere to the Nolan Principles.
- We also have experience of working with, and sometimes funding, local architecture centres. Developing this network of expertise may be an alternative to the creation of a new body. Many of the skills and experience needed may already reside in existing organisations, such as the Design Council, who may be suitable hosts.
- Consideration needs to be given to whether such a body has a wider remit than design codes; for example, research into best practice, design review, etc.

Chief Officers

We support the principle of effective leadership and advocacy for the built environment at local authority level, and would recommend that:

- These officers have responsibility for place-*shaping*, not place-*making*. Places have already been made, and many have people living and working in them. The suggestion that agents outside the local community are responsible for ‘making’ the places that people live and work risks disenfranchising those same communities. It is better to view the role as ‘shaping’ places in partnership with local people.
- Ideally the role should be incorporated with that of Chief Planning Officer, so as to avoid duplication and possible conflict. This may require some adjustments in the skill-sets of Chief Planning Officers; although ideally, they

would already possess all the pre-requisite skills in design, planning, place-shaping and in dealing with the historic environment.

- Such a post should sit at a high level within councils; preferably at executive level. Whilst a single post may be an effective advocate for design, place-shaping and heritage, clearly it would need to be supported by a suitably resourced team with the appropriate skill-set to deliver meaningful change.

PROPOSAL 13: TO FURTHER EMBED NATIONAL LEADERSHIP ON DELIVERING BETTER PLACES, WE WILL CONSIDER HOW HOMES ENGLAND'S STRATEGIC OBJECTIVES CAN GIVE GREATER EMPHASIS TO DELIVERING BEAUTIFUL PLACES.

Historic England supports this proposal, and the intention that Homes England should attach sufficient value to design, as well as price. This should also include attaching a greater value, and sensitivity, to the historic environment. Such emphasis and leadership on design and place-shaping should be extended to, and embedded within, all relevant government bodies and agencies, such as Highways England. Establishing a chief officer for design, place-shaping and heritage within those bodies would maximise opportunities for effecting real change. We look forward to working with and supporting Homes England, and others, to embed a greater emphasis on the historic environment and place-shaping.

PROPOSAL 14: WE INTEND TO INTRODUCE A FAST-TRACK FOR BEAUTY THROUGH CHANGES TO NATIONAL POLICY AND LEGISLATION, TO INCENTIVISE AND ACCELERATE HIGH QUALITY DEVELOPMENT WHICH REFLECTS LOCAL CHARACTER AND PREFERENCES.

We agree in principle that proposals which comply with the rules-based planning system should be dealt with expeditiously, provided there is an appropriate mechanism for assessing the actual impacts of site-specific proposals prior to determination. However, the success of such an approach will depend on a number of factors, such as:

- The extent to which any rules are underpinned by an appropriate level of understanding of the historic environment, and are formulated in such a way to ensure that the historic environment is appropriately conserved and enhanced.
- The appropriate size of area to which those rules might apply. Coverage over a large area may risk promoting development which is suitable in one part but unsuitable in another. Equally, rules covering too small an area might risk an overly complex system.
- The detail of those rules, and the need to ensure that there is a subsequent, appropriate assessment of the actual impacts of any proposals brought forward, even if those rules appear to have been complied with.

The historic environment is varied, and impacts can be multiple and complex. Any 'fast-tracking' of applications must allow sufficient time for those impacts to be fully assessed.

Growth Areas

We agree that a masterplan and site-specific design codes should be required before permission in principle-type approvals come forward.

Permitted Development and Renewal Areas

The use of Permitted Development (PD) Rights within Renewal areas is not the best mechanism to achieve the desired outcomes 'for popular and replicable types of development' (paragraph 3.19). Extending the scope of PD Rights also does not align with the overall objective of the PWP, to simplify the planning system. An alternative approach would be to apply 'in-principle permissions' in line with that proposed for Growth areas; subject to previously agreed masterplans and site-specific design codes.

This approach would also allow simplification of the routes to consent (an objective outlined in paragraph 2.37), with PD Rights being scaled back to the use for typically minor or uncontroversial developments or changes associated with an existing development, where it would be very unlikely for an application for planning permission to be refused, and could therefore be dealt with without the requirement for a full planning application.

If PD Rights were used in Renewal areas, we would be concerned that this would lead to potential unintended harm to the historic environment, and be contrary to the stated aims of the PWP, the NPPF, and current legislation. Additionally, the lack of clarity over 'popular and replicable forms of development' means they could be applied to standard 'identikit' house types, which fail adequately or convincingly to respond to local character. This undermines the government's aim to create locally distinctive, high-quality, sustainable places.

PROPOSAL 15: WE INTEND TO AMEND THE NATIONAL PLANNING POLICY FRAMEWORK TO ENSURE THAT IT TARGETS THOSE AREAS WHERE A REFORMED PLANNING SYSTEM CAN MOST EFFECTIVELY PLAY A ROLE IN MITIGATING AND ADAPTING TO CLIMATE CHANGE AND MAXIMISING ENVIRONMENTAL BENEFITS.

We welcome the proposal to increase the emphasis on addressing climate change within the NPPF and look forward to working with government in 'those areas where a reformed planning system can most effectively address climate change mitigation and adaptation and facilitate environmental improvements'.

- Policies around mitigation and adaptation of buildings and places to respond to climate change should acknowledge the huge benefits of the conservation and refurbishment of existing, sometimes historic, building stock. For example, retrofitting a quarter of historic homes (pre-1919) over the next 25 years would reduce greenhouse gas emissions by the equivalent of 15.5 tonnes of carbon dioxide⁶.
- It is disappointing that there is little in the PWP to require retention of existing buildings, such as policies to address the higher environmental impact of demolition and rebuilding of existing buildings. Evidence shows that if a typical

⁶ <https://historicengland.org.uk/content/docs/research/valuing-carbon-pre-1919-residential-buildings/>

historic building (the Victorian Terrace) is sympathetically refurbished and retro-fitted, it will emit less carbon by 2050 than a comparable new building, if the whole life carbon of the building is considered.

- The equalisation of VAT on repairs of existing buildings with the 0% charged on new construction would encourage the retention and refurbishment of existing structures. It would reduce the financial incentive which may inadvertently promote demolition of existing buildings. Evidence indicates that such a move would act as a stimulus to the economy, create jobs, and help towards climate change targets, by encouraging owners to retrofit properties.
- We have a considerable body of evidence on how existing historic buildings and places can be appropriately adapted to address climate change issues, as set out in Heritage Counts. It highlights the importance of making informed decisions, and the need to avoid solutions that can be unintentionally harmful or damaging. We already have advice and guidance for building owners⁷ and look forward to assisting in formulation of further policies and guidance as required.
- We welcome the continued emphasis on optimising brownfield development elsewhere in the PWP (paragraphs 1.12, 2.25 and 2.26). Such an emphasis needs to be retained, and possibly strengthened, in national legislation and policies if they are part of the suite of generic policies to be removed from slimmed-down LPs.

PROPOSAL 16: WE INTEND TO DESIGN A QUICKER, SIMPLER FRAMEWORK FOR ASSESSING ENVIRONMENTAL IMPACTS AND ENHANCEMENT OPPORTUNITIES THAT SPEEDS UP THE PROCESS WHILE PROTECTING AND ENHANCING THE MOST VALUABLE AND IMPORTANT HABITATS AND SPECIES IN ENGLAND.

We agree it is vital that environmental impacts and enhancement opportunities are properly considered as part of the planning process, and this includes the historic environment, as well as the natural environment. Given humanity's long interaction in shaping much of the 'natural' world, there is a symbiotic relationship between the two, which deserves greater acknowledgement.

- We agree that there is an overlap between Strategic Environmental Assessments, Sustainability Appraisals and Environmental Impact Assessments, and there is the possibility of rationalisation.
- A proposed replacement must not lead to any downgrading in environmental assessment, or protection, in the interests of speed or brevity.
- Any new assessment should have clear standards which must be adhered to, and there needs to be a clear recognition that the methodology for assessment of impacts in one sphere may be different to another.
- Given the intention for a planning system which provides greater certainty at plan-making stage, assessment of impacts up-front needs to be proportionate, suitably well-informed and robust.

⁷ Such as Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency, and Energy Efficiency and Traditional Homes

- Whilst accepting the logic of eliminating unnecessary duplication, there needs to be a recognition that the level of assessment possible at plan-making stage will be less detailed compared to that at subsequent application stages. Equally, there may be a change in conditions between plan and proposal stage (which may be up to five years given the lifetime of a LP); this would necessitate a new, or revised, assessment of impacts.
- Paragraph 3.28 (third bullet point) refers to ‘environmental assessment and mitigation’. Within a new environmental assessment there needs to be a greater emphasis on conservation and *enhancement* of the historic environment (as required in the NPPF) rather than just mitigation. In developing a new approach to environmental assessment, it is important that professional judgement remains paramount.
- We welcome the statement that ‘Any new system will need to ensure that we take advantage of opportunities for environmental improvements while also meeting our domestic and international obligations for environmental protection....’ (paragraph 3.28, third bullet point).

Provision of Digital Information

We agree that the provision of data, in digital form, is essential to informing environmental assessments (paragraph 3.28, first bullet point).

PROPOSAL 17: CONSERVING AND ENHANCING OUR HISTORIC BUILDINGS AND AREAS IN THE 21ST CENTURY

The Value of the Historic Environment

From prehistoric remains, to landscaped parks, and from the mills of the industrial revolution to Post-Modern buildings of the late twentieth century, the nation’s historic environment is a cherished and valuable resource. Protecting it is a key objective of the planning system.

England has been at the forefront of protecting important buildings, places and archaeological remains through its heritage and planning legislation. Indeed, the importance of heritage is reflected in the number of images in the PWP which feature historic buildings and places. England has internationally-recognised heritage, as demonstrated by its twenty WHSs, and we retain an international reputation for the ways in which we protect, conserve and manage our heritage.

Built cultural heritage underpins every aspect of the places around us and is woven into the fabric of our landscapes; some of those assets may have national recognition as listed buildings, scheduled monuments or registered parks and gardens, whilst others may be of local significance. The rich variety of architectural forms and materials, from different ages, underpins regional identity and local distinctiveness. An understanding and appreciation of the historic environment is essential in shaping places for future generations.

Conservation of existing historic buildings, places and landscapes is inherently popular⁸, is linked to greater community engagement in local decision making⁹, and

⁸ 94.2% of people in England agree or strongly agree with the statement ‘it is important to me that heritage buildings or places are well looked after’(DCMS [Taking Part Survey](#))

enhances not just our sense of identity and place, but also our wellbeing¹⁰. The Covid pandemic has highlighted and reinforced the importance of our surroundings, such as public open spaces, many of which are registered as historic landscapes.

The historic environment is also an important economic driver¹¹. For example:

- Investment in historic areas provides land value uplift, with houses in conservation areas selling for a premium of 9% on average¹².
- Listed buildings and conservation areas attract businesses and retailers, with historic high streets being important and attractive commercial centres.
- The nation's cultural heritage attracts tourists¹³ (both domestic and international) and inward investment, and many of the country's most important cultural institutions are housed in historic buildings.
- The historic environment is a key driver for regeneration: from London Docklands and Covent Garden in the 1980s, to places like King's Cross, Royal William Yard, Plymouth, and the Piece Hall, Halifax.

As well as being both desirable and cherished, historic areas and buildings are flexible and adaptable. Historic places are built at a walkable, human scale that has proved enduring and popular.

PWP's Response to the Historic Environment

The PWP recognises the 'critical role' the planning system has played in 'ensuring the historic buildings and areas we cherish are conserved and, where appropriate, enhanced by development' and that the 'additional statutory protections of listed building consent and conservation area status have worked well' (paragraph 3.29). The intention to 'build on this framework' as the new planning system is developed is welcomed.

The PWP rightly looks to 'ensure that historic buildings play a central part in the renewal of our cities, towns and villages' (paragraph 3.30), as they do today. This intention should extend to other aspects of the historic environment, including historic parks and places. We agree that, where possible, historic buildings should be adapted to changing uses; indeed, much of our historic environment has proved itself adaptable to new challenges, and Historic England has long been a champion of such creative and adaptive reuse.

However, we are concerned that references to the historic environment in the PWP appear to be in the narrow context of listed buildings or conservation areas rather than the usual understanding of historic environment¹⁴ which is made up of a whole range of designated and non-designated heritage assets¹⁵.

⁹ People living in a conservation area are twice as likely to engage in development or planning decisions in their local area compared with the general population. (YouGov, 2017)

¹⁰ Heritage Counts: Heritage and Society (2019)

¹¹ Heritage Counts: Heritage and the Economy (2019)

¹² <https://historicengland.org.uk/whats-new/features/conservation-areas-50-years/>

¹³ Heritage-related inbound visits steadily increased between 2012 and 2016. Heritage attracted 17.8m international visits in 2016, generating an estimated £9.3bn of spend, and a further 218.8m in domestic tourism (£7.6bn in spending). Centre for Economics and Business Research, 2018. *The heritage sector in England and its impact on the economy*

¹⁴ The NPPF defines the *historic environment* as 'All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.'

The PWP seems to regard the historic environment as being in distinct areas capable of protection, rather than being interwoven into the fabric of our built and natural environment. Whilst unintentional, if carried forward, this will result in missed opportunities to realise the historic environment's potential to contribute to the shaping and regeneration of places.

The PWP is largely silent on the details of how designated and non-designated heritage assets will be protected and enhanced, especially outside those protected areas. If current levels of protection are to be maintained as intended, that protection must be fully integrated with the new planning system in a comprehensive and seamless way. The new system must allow decision-makers appropriate opportunities to apply legislation and guidance in order not to lessen protection for the historic environment.

Our experience and research have shown that far from being a block on development, the historic environment is an opportunity to inspire creative responses in new development, adding to an area's sense of place. Our research has shown that, where planning applications had a heritage dimension, over 90% were approved¹⁶, proving that heritage is not a barrier to appropriate, sensitive development. The research also showed that the presence of heritage assets has no discernible impact on the time taken to reach planning decisions.

We agree that LPs should identify internationally, nationally and locally designated heritage assets, as well as locally important features such as protected views. Heritage assets of local significance are important; it is hoped the new Local Heritage Campaign will identify many more such assets. How non-designated heritage assets (including nationally important but unscheduled archaeological remains) are identified and protected will be critical to the success of the new planning system.

Greater certainty at plan-making stage will require considerable up-front work to ensure the historic environment is well understood and adequately factored into decision-making. As noted in our comments on Proposal 1, how the tension between a rules-based system and the subsequent factoring in of the actual impacts on the historic environment of site-specific proposals is resolved will be critical to maintaining current levels of protection.

The lack of any direct reference to archaeology in the PWP is concerning, although we understand that references to the historic environment in general are intended to include archaeology. We are concerned that the proposed move towards in-principle/outline permissions suggested for Growth and Renewal areas will present a greater threat to non-designated, or unknown, archaeological remains. These risks can be reduced through archaeological assessments at plan-making stage, as well as the retention of a precautionary approach at subsequent stages, particularly where the likely presence of archaeology has been highlighted.

¹⁵ The NPPF defines *heritage assets* as 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).' This includes designated assets such as *listed buildings, scheduled monuments, conservation areas, registered parks and gardens, registered battlefields* and *World Heritage Sites*.

¹⁶ Just under 1000 applications were sampled; a quarter had a heritage dimension and there was a 91% approval rate.

Our designed landscape heritage also deserves greater recognition, as being both culturally precious and important to the future liveability of towns and cities. Like older buildings, historic parks and other designed green spaces represent past investment and embodied carbon.

Making Changes to Historic Buildings and Climate Change

Contrary to the implications in the PWP (paragraphs 3.30 and 3.31), historic buildings are not inherently inefficient in their use of energy and they can be sympathetically adapted. Our submission earlier this year to the Environmental Audit Commission's call for evidence on the energy efficiency of existing homes is of relevance. No evidence has been presented to suggest that the need to secure Listed Building Consent, or the length of time it takes to do so, is a deterrent to those with a genuine desire to make reasonable adaptations to their homes. Our research shows that 92% of Listed Building Consent applications were approved, evidence that the listed status of a building is not a barrier to sensitive, considered changes.

It is worth noting that listed buildings make up only around 2% of England's building stock and Listed Building Consents only account for around 6% of planning and Listed Building Consent applications¹⁷.

Internal works to unlisted buildings in conservation areas, such as improving insulation, do not require permission. External works, which might require planning permission, only have to show that they do not harm the character and appearance of the conservation area; so there are limited reasons why works to unlisted buildings to address climate change in those areas cannot be undertaken.

Historic buildings function differently from modern buildings in terms of both their energy use and their environmental systems. If an informed, whole-building approach is not taken when making alterations to historic buildings, there can be significant unintended consequences and costs to owners. The inappropriate retrofitting of historic buildings in Fishwick, Preston, illustrates this. The Listed Building Consent application is one way of helping owners take an informed approach when making alterations to their buildings.

The Listed Building Consent system currently allows for appropriate, sympathetic changes to buildings, that 'support their continued use and address climate change' (paragraph 3.31).

In order to assist property owners to make the right choices when wanting to address climate change issues in their homes, we have produced a range of advice, for owners and others, including:

- *Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency* (2018)
- *Energy Efficiency and Traditional Homes: Historic England Advice Note 14* (2020)
- Dedicated pages on our website, called *Your Home*.

We also have published statements on:

- *Climate change and sustainability*
- *Alterations to historic windows as part of energy saving retrofit measures.*

¹⁷ Heritage Counts: Heritage Indicators 2019

We have also just commenced public consultation on a Historic England Advice Note (HEAN) on Listed Building Consent Advice: this HEAN will give further certainty to owners of listed buildings on works that can be undertaken with, or without, the need for Consent.

Alternative Routes to Achieving Listed Building Consent

Whilst being ready to explore 'new and better ways of securing consent for routine works' (paragraph 3.31), there is within the current system an appropriate balance allowing owners to make sympathetic changes whilst preserving the significance of those assets protected by legislation. We welcome discussions to further explore if there are ways to increase transparency, speed and efficiency in decision-making, whilst retaining existing levels of protection.

Mechanisms such as Local Listed Building Consent Orders and Certificates of Lawfulness of Proposed Works already offer a degree of flexibility to owners when undertaking repetitive or minor works. Using a Certificate of Lawfulness, minor works which do not impact on the special interest of a listed building can be carried out by an owner with prior agreement from the LPA. Certificates of Lawfulness were introduced in 2014, and do not require consultation with statutory consultees. Reviewing a small sample of LPA records showed that these Certificates are not widely used, and it is possible to explore whether there is potential for their greater use.

Whilst it is both desirable and possible to apply 'technical standards' to new build development, it would be potentially harmful to attempt to apply such standards in all but very limited situations, if at all, to historic buildings (paragraph 2.13).

Accredited Agents

We have looked previously at the potential role of accredited agents within the Listed Building Consent process. This highlighted issues around possible conflicts of interest for agents, between their responsibilities to their clients, and to the need for proper handling of the Listed Building Consent process. In any system of accreditation, there needs to be appropriate oversight to ensure that standards, and faith in the rigour and impartiality of the planning system, are to be maintained. Any loss of confidence in this regard risks criticism of both process and outcomes, and undermines the consensus of support that is needed to ensure that the new system works effectively.

There are a number of other, more technical issues involved in setting up and maintaining such a system: it all warrants close scrutiny to ensure that both the challenges and opportunities are suitably identified and addressed. We look forward to further exploration of this element of the PWP proposals.

Reviewing the Planning Framework for the Historic Environment

We note the desire to 'review and update the planning framework for listed buildings and conservation areas' (paragraph 3.31) and look forward to further discussions on how the current system can be further improved, so as to strengthen protections of both designated and non-designated heritage assets. Local authorities must ensure that all relevant historic buildings are appropriately conserved and enhanced, rather than just 'the most important'.

We would welcome strengthening of protection for non-designated heritage assets.

We also recommend greater recognition of World Heritage Sites (WHSs), and their buffer zones and settings, in legislation, such as through the definition of a statutory duty equivalent to that for conservation areas in the 1990 Act¹⁸, which requires decision-makers to pay special attention to ‘the desirability of preserving or enhancing the character or appearance of that area’. For WHSs this should also include consultation with Historic England, as adviser to the State Party, as this would help assure UNESCO of the UK’s commitment to protecting WHSs. Our suggestion would be that the trigger for our involvement could be major development¹⁹ or similar. This would better enable the government, as State Party to the 1972 *Convention for the Protection of the World Cultural and Natural Heritage*, to meet its obligations to the Convention²⁰.

There are a number of other potential heritage planning reforms that we have discussed with MHCLG, and we would welcome the opportunity to explore whether some of these might be incorporated into a new framework, along with an exploration of some of the outstanding proposals in the draft *Heritage Protection Bill* (2008).

PROPOSAL 18: TO COMPLEMENT OUR PLANNING REFORMS, WE WILL FACILITATE AMBITIOUS IMPROVEMENTS IN THE ENERGY EFFICIENCY STANDARDS FOR BUILDINGS TO HELP DELIVER OUR WORLD-LEADING COMMITMENT TO NET-ZERO BY 2050.

Historic England supports the renewed commitment to achieving the 2050 targets, and recognises the part that improvements to the built environment can play in that, both through planning controls and Building Regulations:

- Conservation of the historic environment and reuse of existing buildings play an important role in addressing climate change. This needs greater acknowledgement and support in the planning system.
- Our guidance on *Energy Efficiency and Historic Buildings: Solar Electric (Photovoltaics)* and *Heat Pumps*, and forthcoming guidance on *Renewables and the Historic Environment*, show that with appropriate consideration and care, the historic environment need not be a barrier to the incorporation of renewable energy measures.

PILLAR 3: PLANNING FOR INFRASTRUCTURE AND CONNECTED PLACES

PROPOSAL 19: THE COMMUNITY INFRASTRUCTURE LEVY SHOULD BE REFORMED TO BE CHARGED AS A FIXED PROPORTION OF THE DEVELOPMENT VALUE ABOVE A THRESHOLD, WITH A MANDATORY NATIONALLY-SET RATE OR RATES AND THE CURRENT SYSTEM OF PLANNING OBLIGATIONS ABOLISHED.

Historic England considers that both the Community Infrastructure Levy (CIL) and Planning Obligations (S106 agreements or equivalent) have important and distinct roles in securing benefits for places, and the historic environment. Although there is

¹⁸ *Planning (Listed Buildings and Conservation Areas) Act 1990*

¹⁹ As defined in Section 2 of *The Town and Country Planning (Development Management Procedure) (England) Order 2015*

²⁰ <http://whc.unesco.org/en/guidelines/>

scope for rationalising the two, we do not support the abolition of S106 Planning Obligations.

Community Infrastructure Levy

Currently, CIL can be used for schemes published on the Regulation 123 list. Our experience is that CIL is not used as often as it might be for improvements to the historic environment, and hence opportunities are missed to improve the quality of places.

We consider the following important to future CIL reforms:

- CIL funding should be extended to enable greater use in support of environmental improvements, and CIL should be ring-fenced for planning- and heritage-related matters.
- We support greater flexibility for local authorities on how they spend the Infrastructure Levy.
- There needs to be a greater recognition that cultural provision (including heritage) is part of the essential infrastructure of places. To that end, use of the term 'infrastructure' (in CIL) may be unhelpful.
- There also needs to be a clearer CIL process allowing local authorities to spend the Levy on improvements, including the historic environment (such as heritage at risk); public access to and appreciation of heritage assets and their settings; and repair, maintenance and enhancement. Benefits to the historic environment need to be explicitly included as legitimate CIL expenditure to encourage this.

Planning Obligations (Section 106 Agreements)

The continued use of legal agreements to address matters not covered by the CIL process is necessary, including activities such as the transfer of a heritage asset (forming part of a development site) to a charitable or community trust.

S106 Agreements are vital tools in securing benefits to the historic environment, both through financial contributions and/or actual works, both on- or off-site such as:

- Enabling Development Proposals – S106 legal agreements are essential mechanisms where additional development is required to meet a conservation deficit for a heritage asset 'at risk' (NPPF paragraphs 79 and 202). Legal agreements can also secure environmental improvements, such as those to the public realm in historic areas.
- On/Off Site Mitigation – S106 legal agreements are important to secure mitigation including:
 - Appropriate archaeological works
 - Certainty over phasing of development
 - Restoration of heritage assets as part of a proposal
 - Mixed retail/commercial flexibility
- The legally binding aspects of planning obligations can also be used to secure bonds to ensure development proceeds as agreed.

Planning conditions may provide an alternative mechanism to secure some benefits; however, they cannot secure financial contributions, and are generally regarded as being less robust than a legal agreement. Additionally where there is non-compliance enforcement action (against a planning condition) may be less effective

than legal action. Planning conditions are unlikely to be of use in situations where more complex legal agreements are required.

PROPOSAL 20: THE SCOPE OF THE INFRASTRUCTURE LEVY COULD BE EXTENDED TO CAPTURE CHANGES OF USE THROUGH PERMITTED DEVELOPMENT RIGHTS

We broadly welcome the principle of capturing CIL from development delivered through PD Rights, however, we would be concerned about the application of CIL charges should they impact on the viability of schemes where there is a clear benefit to the historic environment.

PROPOSAL 22: MORE FREEDOM COULD BE GIVEN TO LOCAL AUTHORITIES OVER HOW THEY SPEND THE INFRASTRUCTURE LEVY

(See response to Proposal 19, above)

PROPOSAL 23: AS WE DEVELOP OUR FINAL PROPOSALS FOR THIS NEW PLANNING SYSTEM, WE WILL DEVELOP A COMPREHENSIVE RESOURCES AND SKILLS STRATEGY FOR THE PLANNING SECTOR TO SUPPORT THE IMPLEMENTATION OF OUR REFORMS. IN DOING SO, WE PROPOSE THIS STRATEGY WILL BE DEVELOPED.

We welcome the intention to develop a comprehensive resources and skills strategy for the planning system and look forward to working with MHCLG on how we can contribute to it.

Resources

The PWP acknowledges current resource constraints (paragraph 5.12) in the planning system. Our own research (from 2018) shows that in the previous 12 years the number of conservation specialists at local authority level fell by 35% (283.4 FTE), whilst the number of archaeological specialists advising local authorities in England also fell by 35% (142.5 FTE).

If the new planning system is to be successful it is important that:

- There are adequate resources, and appropriate skills, to both deliver and sustain it, ideally with some mechanism to ensure that the level of resources required are maintained. This may require recent declines in funding to be addressed.
- Implementation of the new planning system, including up-front site and area assessments to inform LPs, and the need to develop design codes and masterplans, will require a significant allocation of resources by LPAs and statutory consultees.
- A digitally-enabled planning system will require considerable investment in technology to support new ways of working. More proactive working with local communities will also require resource investment.

- The PWP rightly acknowledges that ‘different local planning authorities face different pressures and issues, and it will be important to develop a resourcing and skills framework which works for all authorities across the country’ (paragraph 5.26). Local authorities will need different levels of resource to implement, and sustain, the new planning system. In order to ‘level-up’ it is important that areas less able to generate funding from planning fees are not left behind. Poorly implemented planning reform in such areas may result in poor development, further disadvantaging those places.

Skills

The PWP acknowledges that the new system may require planners and others to engage different skill-sets, and that a new planning system should allow those involved in place-shaping to take a more creative approach.

Historic England is able to support this in a number of ways, including the following:

- We have a well-developed body of advice (including on planning and the historic environment); publications highlighting exemplar developments; heritage specific and technical guidance; and web-pages, such as Your Home, to assist owners of historic buildings. We have an expanding range of evidence and research to aid informed decision-making and place-shaping; and a well-developed training offer to up-skill the sector.
- We monitor Local Authority heritage team staffing resources and could extend the scope to an audit of sector skills. We are preparing the revised *Annual Report on Local Authority Staff Resources* and will share the results on completion.
- We have long been a provider of training to local authority staff on topics such as dealing with the historic environment through the planning system. This includes a series of courses (now delivered as webinars) called Historic Environment: Local Management, as well as the Heritage Essentials series. We look forward to working with MHCLG on developing a training programme (paragraph 5.24) to assist authorities and their staff (as well as other government bodies and organisations such as the Planning Inspectorate) to support the implementation of a new planning system.

Statutory Consultees

We welcome the recognition that statutory consultees will continue to ‘have a critical role [in] supporting the preparation of LPs and decision-making’ (paragraph 5.15). As an organisation we already strive to be ‘responsive and outward looking’ and to use our national perspective to support owners, decision-makers, and local communities in caring for their heritage.

Historic England has a strong track record as a statutory consultee:

- In terms of responsiveness, we received 7,201 statutory consultation requests in 2019/20 (along with many other referrals) and responded to 99.7% within 21 days, or an otherwise agreed deadline.
- Respondents to our draft *Tailored Review* found that 95% believe HE should continue to give planning advice, arguing that it is essential to have an expert third-party providing planning advice.
- In the *Harris Survey* (2015) on performance of the ‘Big Five’ statutory consultees Historic England (formerly English Heritage) came top in terms

satisfaction with the overall quality of the planning advice (81%, with only 6% dissatisfied). Key strengths identified were our provision of clear and practical planning advice, and our positive approach to working in partnership. Historic England was perceived as effective, helpful, knowledgeable, and responsible.

- We would bring the same bespoke, constructive and collaborative approach to the new planning system. We have an expert knowledge of the historic environment and the management of change to it. Such a national overview is important to protect the historic environment and realise the benefits its conservation can secure through the new planning system.

Management of change to the historic environment is greatly informed by the work of the National Amenity Societies, who have a statutory role in some planning and Listed Building Consent applications. Along with the Gardens Trust, Battlefields Trust and The Theatres Trust, the National Amenity Societies provide invaluable independent, specialist advice to LPAs and asset owners, in their own particular field of expertise. Their statutory role needs to be continued in the new planning system.

We are conscious that changes to the planning system as proposed in the PWP will impact on the types, and levels, of work coming to us, as well as on the skills and resources required. We are aware that this may require the re-examination of our funding model. This may mean more up-front assessment of areas prior to area allocation (including a possible increase in designation requests, or screening for heritage significance in different areas), as well as advising local authorities as they prepare new LPs, masterplans and design codes.

Digital and Geospatial Capability²¹

We fully support the aim of a more digitally enabled planning system and recognise the benefits this can bring in greater efficiencies, more informed development proposals, improved decision-making and greater accessibility for the general public.

We already manage and share our own national datasets. We work closely with HERs and have detailed knowledge of data standards and digital systems

- We are already in discussion with MHCLG and the Geospatial Commission on the provision of the data we hold and hope that they can be fully incorporated in the new planning system.
- We look forward to contributing to the development of common data standards and a more digitally integrated, end-to-end planning system, which includes integration and effective sharing of data digitally across all stakeholders involved in the planning system. We already have experience of digital working across multiple LPAs with different software systems.
- Data we hold, such as on Historic Landscape Characterisation and the Strategic Stone Study searchable GIS database (hosted on our behalf by the British Geological Survey and accompanying county guides, will be an invaluable source of information to underpin LPs and design codes, as well as enabling local authorities to protect stone supplies. We hope that they will be able to form part of the standard suite of information to inform such documents. Our Aerial Investigation & Mapping Programme is another source of information which can inform archaeological sensitivity mapping as part of LP preparation.

²¹ See also our response to Proposal 12, and elsewhere

PROPOSAL 24: WE WILL SEEK TO STRENGTHEN ENFORCEMENT POWERS AND SANCTIONS

We welcome the intention to strengthen existing enforcement powers and sanctions. Enforcement activity is important to prevent unauthorised works and is also important in maintaining public confidence in the planning system.

Historic England requests that enforcement powers and sanctions include the following matters:

- Development works not undertaken in accordance with recognised permissions and consent regimes (e.g. Listed Building Consent).
- Extended scope beyond that set out in the PWP (paragraph 5.30), as enforcement is a key tool in protecting the historic environment and addressing both 'heritage at risk' and 'heritage crime'.
- The opportunity for enhancement and rationalisation of the current range of powers, taking account of current enforcement tools relating to heritage assets (as set out in *Stopping the Rot*), including more effective tools to address problems of neglect or damage to the nation's historic environment. A potential lack of enforcement here undermines the aims of heritage protection.
- Powers for reinstatement of lost or damaged features to designated historic assets or within their settings.
- Involvement in discussions to ensure powers and legislation are effectively structured and enhanced when dealing with heritage crime (such as deliberate damage to, or theft from, heritage sites). Historic England proposes that this includes prevention and reporting of heritage crime, and unauthorised works to heritage assets.
- Any review of powers should examine the current level of resources devoted to enforcement activities (relative to other planning activities); the cases in which enforcement action is or is not taken; and the effectiveness of such action. It should consider the requirements placed on local authorities to undertake enforcement actions, whether processes can be streamlined, and whether the skills available are adequate to address new and strengthened enforcement powers.

Q26. 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?

Whilst we support the principle of a more effective use of digital technology within the planning system, there are some concerns that this may impact on groups who have less access to, or be less familiar with, such technologies.

Historic England
29 October 2020