



Historic England

Historic England Response to the Local Plans Expert Group Report

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

Historic England welcomes the opportunity to submit evidence on the following recommendations in the Local Plan Expert Group's report:

Turning OAN into Local Plan Requirements (Section 4)

7. Assessment of Environmental Capacity

- With regard to the list proposed at Appendix 10A of the Local Plans Expert Group Report, the inclusion of a (proportionate) Assessment of Environmental Capacity is supported in principle, though further detail as to its intended scope and application is sought. By way of a note of caution, some local planning authorities will not already have the necessary 'evidence ingredients' that the detailed recommendations suggest.

8. Application of paragraph 14 of the NPPF

- Historic England supports the proper implementation of paragraph 14 of the NPPF (including the provisions at Footnote 9 in respect of designated heritage assets), noting the need to also have appropriate regard to the tests at paragraphs 133 and 134 of the NPPF.
- Historic England also supports the Group's rejection of the suggestion that 'all needs must be met': there will be occasions where there is not sufficient environmental capacity to meet identified needs within a local plan area. All of this presupposes the availability of adequate evidence, however, and, as articulated elsewhere in this response, a longer lead-in time for implementation would better support the necessary work to underpin robust and effective future plans.

9. Green Belt

- Historic England supports the references in the Report to Green Belt policy and the review of Green Belts, and the recommendation that advice on how to conduct Green Belt reviews should be more readily available to local authorities.
- Green Belt is a strategic designation, and any review should retain that strategic perspective; in that vein, Historic England has expressed concern about the proposal in the *Consultation on Proposed Changes to National Planning Policy* for Green Belt exceptions to potentially be defined at the neighbourhood level.

10. Growth points

- As previously advised in Historic England's response to the *Consultation on Proposed Changes to National Planning Policy*, new settlements (or growth points) may already be permitted where necessary and appropriate, and any further support suggests a shift in the overall balance of policies within the NPPF. New settlements can relieve pressure around historic towns, but they can also harm heritage assets and landscape character if poorly located. It is not just the location but the delivery of new settlements which needs support, so that they can be brought forward in a timely fashion with regard to plan-led housing delivery and five-year housing land supply targets.

Incentives for timely plan preparation (Section 7)

18. Time limiting out of date plans

- The encouragement of up-to-date plans is supported, but a time-limited transitional approach with regard to saved policies would allow the retention of these often useful policies until suitable replacements were able to be put in place.

Policy Changes (Section 8)

19. Stable national policy

- As previously noted in Historic England's response to the Local Plans Expert Group call for evidence, any changes in policy and procedure can have a disproportionately disruptive impact: the suggested increase in stability in policy and guidance is therefore welcomed.
- Historic England would be happy to participate in any technical working groups arising from these recommendations.

Local Plan process (Section 9)

23. Timetabled plan making

- The drive to greater efficiency in plan-making is itself supported, but the proposals (and the suggested timescale for their implementation) do rather assume the existing availability of evidence, and/or the resources within local planning authorities to obtain (and analyse) it; a longer lead-in time for implementation would better support the necessary work to underpin robust and effective future plans.

24. Documents required for plan making

- Greater clarity regarding the evidence required in support of plan preparation is supported.
- With regard to the list proposed at Appendix 10A of the Local Plans Expert Group Report, the inclusion of a (proportionate) Assessment of Environmental Capacity is supported in principle, though further detail as to its intended scope and application is sought.
- The requirements for evidence in relation to the historic environment could usefully be pulled out more strongly in the Appendix 10A list. As currently presented, the

proposals could discourage the appropriate early consideration of heritage issues by local planning authorities, and thereby risk the unintended consequence of undermining heritage protection, contrary to the commitments given by Government:

- The proposed revisions in respect of Regulations 17 and 22 (Local Planning Regulations) are of some concern. These suggest that the existing requirement for ‘such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan’ should be amended to ‘only such supporting documents as the local planning authority considers strictly necessary to show where the local plan is legally compliant, sound and in compliance with any duty to cooperate’. It is not clear how this revised approach is intended to relate to the existing statutory duties in respect of listed buildings and conservation areas; it is also not clear how far wider heritage-related evidence would be regarded as ‘strictly necessary’ under the new, narrower test.
- The existing inclusion of reference to the need to refer to national policy (PCPA 2004, s. 19(2)), baseline information (PPG, 11-016-20140306), consideration of the Historic Environment Record (NPPF, para. 169) and landscape character assessments (NPPF, para. 170) is noted, but these do not wholly reflect existing evidence requirements.
- By way of illustration, paragraph 126 of the NPPF implicitly requires sufficient evidence to inform the development of ‘a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk’.
- Paragraph 169 of the NPPF explicitly states that ‘Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment’; consideration of the Historic Environment Record will inform this, but is not the only source of information needed, and the list should be amended to more accurately reflect the actual evidence requirements set out in national policy (the Planning Practice Guidance (18a-005-20140306) confirms that policy on the historic environment evidence base for local plans is set out in paragraph 169 of the NPPF). It is also not clear what is meant by the suggestion that paragraph 169 evidence would ‘not have to be included in the evidence before the examination’: it does need to be considered prior to, and at, Examination.

25. A smaller, focussed evidence base

- As noted in response to recommendation 24, it is not clear how this revised approach is intended to relate to the existing statutory duties in respect of listed buildings and conservation areas; it is also not clear how far wider heritage-related evidence would be regarded as ‘strictly necessary’ under the new, narrower test. As presented, the proposal risks the unintended consequence of undermining heritage protection, contrary to the commitments given by Government.

26. Strategic Environmental Assessment

- Greater clarity on the applicability of SEA to local plans would certainly be welcomed.
- Historic England notes the logic behind the recommendations intended to simplify and speed up the SEA process, and recognises that on occasions the outputs from SEA exercises can go beyond what is proportionate in the circumstances. However, we

would wish to ensure that any changes to the current format would retain the requirements to consider all relevant available evidence relating to the historic environment and the need to consult the statutory bodies to ensure this is the case.

27. Sustainability Appraisal

- As above, Historic England would wish to ensure that consideration of the historic environment continues to play a meaningful role in the Sustainability Appraisal process. We note that the recommendation attempts to clarify the intended purpose and format of a Sustainability Appraisal exercise beyond that of environmental assessment and recognise that there is no legislative requirement for it to consider reasonable alternatives in social and economic terms. However, it is important to acknowledge that there is a clear inter-relationship between environmental, social and economic impacts – not least in historic environment terms.

31. Soundness and the implications for examinations

- Historic England supports the reference at paragraph 9.35 of the report to the importance of continuing to examine local plans to ensure that they plan positively and robustly.

32. National concordat

- Historic England seeks to respond in a timely fashion on all cases on which it is consulted, and this is demonstrated by performance monitoring (99.4% of local plan responses in 2015/16). We also seek to require only proportionate evidence. Generally speaking, it is not so much the amount of evidence which is important, but the degree to which it is appropriately analysed and applied to the development of vision, strategy and policies.
- As a consultee in the local plan process, Historic England's experience has been that, certainly at the early stages, the vast majority of Local Plans are not fully consistent with the advice of the NPPF, and some of them are deficient to the point that, in terms of the approach to the historic environment, their soundness is questionable. Historic England offers support and advice to address these initial shortcomings constructively, which itself helps to speed up the plan making process, and to deliver sustainable development which safeguards and enriches the historic environment, but it would be more efficient if plans were better prepared from the outset.
- Historic England's existing service commitments are set out in its [Charter for Historic England Advisory Services](#). This confirms that Historic England welcomes early and on-going discussion with local planning authorities, and offers proportionate responses. In principle, Historic England would be happy to sign up to a concordat, but clarification is sought as to the nature of the proposed 'high level arrangements for joint working on plan preparation': if, for instance, this meant an obligation to attend round table meetings involving interested parties, that might jeopardise existing, effective practice, and turnaround times for responses.
- More detail is sought as to how the proposed changes to the Planning Practice Guidance are intended to work, however: there may be circumstances where both the local planning authority and statutory consultee would wish to see an extension to the

consultation period, in the interests of an improved outcome, and provision should be made for this.

Local Plan Content (Section 10)

33. Staged plan making

- The relationship between the proposed changes to paragraph 153 of the NPPF, and the existing provisions at paragraph 156, are not currently clear. Paragraph 156 requires that local plans set out the strategic priorities for their areas, including the conservation and enhancement of the historic environment; paragraph 157 then confirms that local plans should (amongst other things) identify land where development would be inappropriate (for instance because of its environmental or historic significance), and contain a clear strategy for enhancing the natural, built and historic environment. ‘Deferring more detail’ to other documents may be appropriate in a number of circumstances, but provision should also be made for this detail to be retained in local plans, where the issues may more efficiently and robustly be considered alongside other policies and proposals as part of a coherent strategy, and properly examined: the procedures for the preparation of some of the alternative documents proposed are not necessarily as robust, and/or do not carry the necessary weight to deliver the overarching strategy, and this risks undermining heritage protection, as well as other NPPF objectives.

34. Role of other plans

- As suggested in Historic England’s response to recommendation 33, other documents may be the appropriate location for some matters of detail, but local plans should remain the ‘default’, as the most accessible, ‘weighty’ and robust policy documents. The sort of separation between strategic and non-strategic documents that appears to be proposed in Appendix 12 (e.g. in relation to paragraphs 5-007 and 18-004 of the Planning Practice Guidance) does not appear to support clarity or efficiency in either policy or implementation, but rather fragmentation and duplication. Neighbourhood plans should continue to be prepared in conformity with local plans, but should not be envisaged as being the (only) way in which strategic local plan policies are delivered.

39. Content of local plans

- See Historic England’s earlier responses regarding wider concerns about a high level local plan and an ensuing split between strategic and detailed policy and implementation. The proposed retention of reference to a positive strategy for heritage protection within the strategic policies is however welcomed.

Implementation and Delivery (Section 11)

41. Boosting supply

- The identification of reserve housing sites within Local Plans is itself supported, but their use in response to the proposed ‘housing delivery test’ is not. Historic England set out its concerns about this test in its response to the *Consultation on Proposed Changes to National Planning Policy*. These were that the test does not address the actions that need to be taken in support of delivery by other participants in the development process, and that it appears to incentivise the withholding of more challenging brownfield sites by developers, who might then await the extra allocation

of easier greenfield sites: this appears to run counter to the Government's housing delivery objectives, and could also have an adverse impact on heritage (and particularly heritage at risk).

Next Steps and Transition (Section 13)

47. Technical Working Group

- Historic England would be happy to participate in any technical working groups arising from these recommendations.

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