



Historic England

## **Brownfield Passports: Making the Most of Urban Land Historic England Response**

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

We welcome the opportunity to submit views following publication of the *Brownfield Passport: Making the Most of Urban Land Policy Paper*<sup>1</sup>.

We understand this is not a formal consultation, as such, and is designed to inform further policy development in collaboration with the wider sector. We look forward to exploring the issues further with you.

### **Summary**

- We support the policy objective of providing greater clarity in the reuse of previously developed land, and recognise the particular importance of small sites in delivering housing and facilitating growth, particularly where it secures the effective reuse of existing buildings. If correctly designed a brownfield passport approach may be an effective way of encouraging and streamlining consent on previously development land.
- This objective could, subject to relevant controls, benefit the historic environment, for example in encouraging greater reuse of derelict sites within conservation areas. There is, however, particular risk to non-designated assets, archaeological remains as well as designated assets and their setting if brownfield passports are not designed in a way that incorporates historic environment considerations at the appropriate stages.
- Overall, we consider the objective is best delivered locally, e.g. through a supplementary planning document (SPD) approach (or similar), supported by clear national policies and guidance surrounding the effective reuse of small sites.

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<sup>1</sup> [Brownfield Passports: Making the Most of Urban Land Policy Paper](#)

***Could national policy be clearer if it were explicit that development on brownfield land within urban settlements is acceptable unless certain exclusions apply?***

The current National Planning Policy Framework (NPPF) provides a clear steer on the reuse of brownfield land and promoting a “brownfield first” approach. Whilst it provides polices covering the expectations of local planning policy objectives (e.g. paragraphs 124-7), it might provide greater clarity over some of the broad parameters that local plan policies might set for brownfield development.

Setting the parameters of development, at a national level, (such as setting expectations on specific building heights or site densities) risks adverse consequences for a range of spatial planning matters. The successful delivery of small site development would be best achieved through local planning policy, supported by a steer with regards to approach at the national level.

The NPPF should encourage LPAs to include policies on small brownfield sites in their local plans, and National Design Guidance (NDG) could provide more detail on urban small site development, looking at good examples of existing SPDs including the [Lewisham Small Sites Design Guide](#) which provides guidance on key issues across a range of small site types (e.g. infill, back-land, corner, etc).

Whilst the current NPPF provides some advice on plan and decision-making for brownfield sites, we note that there appears to be little in the Planning Practice Guidance (PPG) on brownfield development. As the title suggests, the [Brownfield land registers](#) page deals with the functioning of registers, and [Effective use of land](#) deals mostly with practical matters, such as land assembly and sunlight/daylight issues.

It also needs to be remembered that there are a wide variety of factors, not just planning policy, impacting on the delivery of brownfield sites; such as contamination/remediation and viability.

***What caveats should accompany any general expectation that development on brownfield land within urban settlements is acceptable?***

The number of caveats that would be needed to deliver genuinely sustainable development, through a brownfield passport approach at a national level, may be so extensive that it would be unhelpful to attempt to do so. Heritage and design are only two issues among many, and these are best addressed at a local, site-based level; albeit local plans and local plan policies could set clearer parameters and expectations (bringing greater certainty) if they are based on a thorough understanding of the urban and historic context within which sites are located.

Instead, national policy and guidance should help Local Planning Authorities (LPAs) maximise the impact and efficiency of early work in the identification and effective design of parameters and expectations for small sites. This could include guidance on:

- Site identification through processes such as conservation area appraisal.

- Developing design frameworks
- Understanding commonalities between area types, e.g. in the National Model Design Code (NDMC), to frame potential opportunities and constraints.

***How best can urban areas be identified and defined if this approach is pursued?***

Urban areas suitable for a passport approach would best be identified at a local level. The extent to which a passport approach could be applied successfully at a district-wide, place, neighbourhood, street or individual site-based level will depend on matters such as the uniformity or variety of the urban form set against the level of detail set in any passport.

A passport approach may work over a relatively wide area, if there is a degree of homogeneity to the built form in that area and if the impacts from any development (adhering to the parameters set out in a passport) were predictable.

***Could national policy play a role in setting expectations about the minimum scale of development which should be regarded as acceptable in accessible urban locations?***

Site capacity should be responsive to specific, local circumstances considering both minimum and maximum densities, the latter to better mitigate potential harm. The quantum of development proposed should be based on an understanding of the area and what sites can sustainably accommodate. With regards to the suggested approaches in the consultation document, we would recommend density is a better focus than scale, which could be interpreted as solely height, given it can often be achieved in multiple ways, emulating rather than disrupting, established and valued character.<sup>2</sup>

***What parameters could be set for both the scale of development and accessibility?***

There is a clear role for a national steer in setting expectations, rather than specific development parameters, as to what small sites should achieve and the approach to be taken. This could include:

- Continuing to set expectation for high-quality design and place-shaping within the NPPF, whilst adding an explicit expectation for building reuse.
- Bringing forward expectations for small sites into a relevant National Development Management Policy (or equivalent).
- Establishing the expectation, or presumption, for the development of Small Site Supplementary Planning Documents (SPDs) and/or robust associated

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<sup>2</sup> A topic explored in Historic England's research into [Increasing Residential Density in Historic Areas](#).

design frameworks at local level. A useful model to consider is [Policy H2 of the London Plan](#), which sets expectations for small sites in Borough plans.

- Expanding national guidance to explore issues and approaches related to small site development including where development has supported, for example, conservation area regeneration.

***Could more use be made of design guidance and codes to identify specific forms of development that are acceptable in particular types of urban area?***

***What sort of areas would be most suited to this approach, and at what geographic scale could such guidance and codes be used?***

There is a significant role for design frameworks in delivering clarity at local level. A passport approach, if followed, would be best focused on urban rather than rural areas, the latter often more varied in character and with additional considerations for sustainability. We consider an SPD approach likely to gain best traction, as opposed to blanket permissions, but this could include considerations of the commonalities between site types in a specific area, an example of which would be the [East Riding Design Code](#) which assigns site allocations to specific area types which, in turn, have a range of coding parameters.

As set out in our earlier response, the geographic scale for which design guidance and codes and/or passports would work best depends on the uniformity of the existing urban form in those areas and the degree of detail which the guidance/codes/passports specify.

***Are there any other issues that we should consider if any of these approaches were to be taken forward, in particular to ensure they provide benefits as early as possible?***

Given the additional considerations, legislative requirements and the need for separate consents listed buildings and scheduled monuments should be out of scope.

We also suggest an exclusion for domestic gardens on the basis of character, and the role they play in climate change e.g. urban cooling and rain water drainage.

A passport approach will work best where the impact of any development is relatively predictable taking into account the surrounding urban and historic context. For example, where there is a thorough understanding of the significance of the surrounding historic environment (or any heritage significance of elements of the site itself) and any parameters set out in a passport are tailored specifically to the site itself, a passport approach may be successful. Where there is limited knowledge or evidence of heritage significance and/or the parameters set in the passport are overly prescriptive, the results are likely to be less successful.

Any brownfield passport mechanism should therefore:

- Be based on a thorough understanding of the context in which the sites sit, including any impact on the settings of designated heritage assets.
- Be informed by a thorough understanding of the historic environment and potential impacts from development of a site. This should include the significance of any elements on the site (including non-designated heritage assets) and any archaeological potential the site may possess. It should also include consideration of potential impacts on the setting of nearby heritage assets.
- For sites within designated heritage assets (such as conservation areas, world heritage sites, registered parks and gardens, and registered battlefields) potential impacts on those assets must be properly considered.
- Encourage an approach that prioritises the reuse of existing buildings, especially those of historic character, ahead of rebuild to in order to reduce carbon emissions and retain local distinctiveness.
- Encourage an approach which identifies opportunities to enhance sites which may detract from the character and appearance of conservation and other areas e.g. vacant garage blocks or inappropriate previous development. They should also take into account opportunities to enhance areas when use from a particular development has ceased e.g. Hyde Park Barracks.

***In addition to streamlining permissions on urban brownfield sites, where else do you consider this type of policy could be explored to support economic growth?***

Should a brownfield passport approach be introduced, it may be worth evaluating its benefits before considering its wider use; either for different forms of development or for different site types (i.e. non-brownfield sites).

*Historic England  
Policy Department  
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