

Draft Heritage Alliance Consultation Response to the Housing White Paper



28 April 2017

Introduction

The Heritage Alliance is England's biggest coalition of heritage interests, bringing together over 100 mainly national organisations supported by over 7 million members, friends, volunteers, trustees and staff. From historic houses and museums to archaeological sites, canals and historic vehicles, the Heritage Alliance's diverse membership owns, manages and cares for the vast majority of England's historic environment.

The Heritage Alliance welcomes this opportunity to respond to the Government's consultation on its housing white paper '[Fixing our broken housing market](#)' and agrees that the Government must act to solve the housing crisis. However, these plans must ensure sustainable development and that future policy protects and promotes heritage as one of our greatest national assets - vital to creating places people want to live. From our rich architectural tradition to our distinctive landscapes, our heritage is a source of national pride and a catalyst for economic growth. The White Paper only mentions heritage four times - in its footnotes. The Heritage Sector is, of course, much more than a footnote with heritage construction alone worth £9.7 billion in England¹.

Heritage is vital to the housing market. It creates and shapes the places where people want to live and invest (as we set out in [our response](#) to the Government's industrial strategy consultation). Housing policy which produces well designed, attractive and long lasting homes will create tomorrow's heritage. However, good housing policy will acknowledge the importance of preserving existing heritage cultural assets for our health, cultural well-being and sense of identity. Local authorities must be able to plan for economic growth, job creation, cultural development, and a thriving business community, and not just facilitate increased housing supply at the expense of other objectives.

Properly funded planning departments are vital to ensuring effective protection of the historic environment, yet the overall number of historic environment staff in local authorities has decreased by 35% since 2006¹. This is causing significant problems for the proper management of the historic environment. The Government intends to boost local authority capacity by increasing nationally set planning fees by 20% from July 2017 provided authorities commit to invest the additional fee income in their planning department, with a further 20% fee increase for authorities that are delivering the homes their communities need. It is essential that the Government ensures that local planning authorities are unable to divert this money elsewhere and provides further detail on how the money will be ring-fenced, and what penalties local authorities will face if found to have used the money elsewhere.

The Government should further ensure that a proportion of the money raised from fee increases is specifically ring-fenced for conservation. Fee increases of up to 40% will significantly increase the burden on those who make applications relating to listed buildings and conservation areas. This may have the unintended result of people deciding to risk not making such applications at all as they feel

¹ <https://content.historicengland.org.uk/content/heritage-counts/pub/2016/heritage-and-the-economy-2016.pdf>

the risk of enforcement action is low – resulting in damage to the historic environment. Improved funding for planning departments should focus on larger development schemes and not homeowners who are compelled by law to use the service most.

Question 4, which would see the list of examples of types of policies which justify preventing development turned into an exhaustive list, is a major concern. This new exhaustive list excludes several areas of historic environment protection, such as conservation areas, and adds new protection for veteran trees. While simplifying the NPPF is something we strongly agree with, this must not undermine existing protections for the historic environment.

Question 13, on the scope to extend buildings upwards in urban areas, is also a concern. This follows an earlier consultation on a similar proposal for London. Over half of respondents to that consultation considered a one-size-fits-all permitted development right approach to be unworkable. As we set out in our response below, a permitted development right which allows building up would have serious negative effects on our historic townscapes and should be controlled by planning permission. Similarly, the proposal for a permitted development right for public bodies to build homes on their land is concerning, especially as many hospitals schools etc. are heritage assets.

This consultation response is focused on the specific questions; however, we would welcome the opportunity to discuss further with DCLG how these and other plans may impact on the historic environment.

Response

Question 1 Do you agree with the proposals to:

a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?

Yes, provided that *'conservation and enhancement of the natural and historic environment, including landscape'* as currently identified in paragraph 156 of the NPPF continues to be a key element.

The additional requirement to plan to meet an area's housing need should explicitly take account of where housing is planned and how to minimise its impact on conservation and enhancement of the natural and historic environment, including landscape.

More generally, thought should be given to how all the key priorities in paragraph 156 of the NPPF relate to each other. For example, how *'enhancing the historic environment'* might be achieved through *'the provision of retail, leisure and other commercial development'* by bringing empty buildings back into use or improving townscape and shop fronts.

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

Yes, provided that a commitment to the development of such strategic sites is not conferred in the absence of all appropriate archaeological assessment and evaluation necessary in historic environment terms to substantiate such a commitment.

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

The change set out at A.18 of the white paper that a plan should set out 'an' rather than 'the most' appropriate strategy would help avoid challenge at examinations. Para 182 of the NPPF might explicitly set out what kind of 'proportionate evidence' might be required to show that a sound plan is justified.

A.19 suggests that the Government will tighten the definition of what evidence is required to support a sound plan 'to allow for a more streamlined approach'. This should not undermine the archaeological information and assessment required to justify allocated sites.

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

Any changes should ensure that local people, statutory consultees, etc. have full opportunity to comment on plans for a reasonable time. Consultation should take place at an early stage of development to ensure effective and genuine consultation. Currently most people in an area are probably unaware of the local plans etc. 'More proportionate' consultation should not reduce the opportunity for local communities and statutory consultees to comment. This is especially important given that communities do not have the right to appeal planning decisions in their areas. One move that the Government should consider is giving local communities the right to speak at planning meetings and voice their concerns. This right may have to be notified in advance and limited in time and number of speakers. However, this would ensure communities feel better engaged in the planning process. Some local authorities already allow this -such good practice should be rolled out nationally. In an era of little funding for local authority conservation officers, it is often local communities who pick up on the impact of plans on heritage assets.

Consultation and examination procedures should always ensure that the impact of proposals and policies upon the historic environment is adequately assessed.

Question 3 Do you agree with the proposals to:

a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?

Yes, provided that any such policies consider their impact on heritage assets, listed buildings and conservation areas. For example, the refurbishment of a listed building should not automatically require a lift to be inserted or door knobs replaced as a matter of course. Similarly, a refurbishment of a building within a conservation area should not automatically require ramps and hand rails to be installed over front steps. Such measures should be included only when there is shown to be a need.

b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?

Yes, provided that the assessment addresses need rather than aspiration, and avoids unnecessary over-provision which almost inevitably increases pressure on more environmentally sensitive sites/landscapes etc.

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

a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;

We have no objection to this proposed change, provided that:

- land really is 'suitable' in all respects (including archaeologically) and
- it is made plain that such a strategy must be balanced in an even-handed way with other strategies in the NPPF (such as that for the conservation and enhancement of the historic environment at paragraph 126)

b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;

No. The proposed wording in Box 2 page 79 of the White Paper suggests, in relation to plan-making, that plans should accommodate objectively assessed needs unless '*specific policies in this Framework provide a **strong reason** for development to be restricted ...*'.

This is a weakening of protection when compared to the current wording of paragraph 14 of the NPPF which refers to accommodating needs '*unless specific policies in this Framework **indicate** development should be restricted.*'

Policies in the NPPF can indicate that development should be restricted (the current wording) without, in the view of the relevant authority, providing a strong reason to restrict development (the proposed wording) [our underlining].

Therefore, policies not explicitly on the proposed list of 'strong reasons' could, in effect, be ignored for plan-making purposes.

Footnote 9 of NPPF currently gives examples of specific policies which indicate development should be restricted. However, A.38 of the White Paper describes how, with two additions, this would become an exhaustive list which does not mention, for example, World Heritage Sites or conservation areas etc. While it may be that there are occasions that development need could be accommodated in world heritage sites and conservation areas without causing harm, sometimes harm would be unavoidable and this should be able to be recognised in a plan.

We would also suggest that the revisions to the first part of para 14 of the NPPF explicitly spell out that the presumption in favour of sustainable development is qualified. Therefore, for clarity, the introduction to para 14 of the NPPF should be amended to read 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, except where specific policies in this Framework indicate development should be restricted'.

c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?

No, this change has the potential to undermine heritage protection.

While we welcome the express reference to '*other heritage assets of archaeological interest referred to in paragraph 139*' of the NPPF and to '*Ancient Woodland and aged or veteran trees*' in the list of policies, the proposed changes create an exhaustive list of 'specific policies that indicate that development should be restricted'.

As mentioned above, currently Footnote 9 of NPPF currently prefixes this list of policies with 'For example'. By removing 'for example' any policy not listed there will be significantly weakened.

Policies which protect the historic environment which are not listed include conservation areas, World Heritage Sites, Non-designated heritage assets as set out at para 135 NPPF, and locally listed buildings fail to make the exhaustive list of reasons to restrict development.

Non-designated heritage assets may represent the very best buildings in a local area (but not nationally important enough to warrant listing). Understandably communities and local authorities may want to restrict development which would see these assets replaced. It is for this reason that the Government should remove permitted development rights for the demolition of locally listed buildings.

Additionally, local authorities should have the ability to 'call in' for determination by planning application prior notifications of permitted development demolitions, where the building has heritage value. There is a reluctance by many local authorities to use article 4 directions to provide a remedy in this situation due to the possibility of having to pay compensation to those whose permitted development rights have been withdrawn. This issue deserves further thought and consideration as. Permitted development demolition can fundamentally change the character of an area without local communities having any influence or voice.

It is odd to exclude the established policies set out above from an exhaustive list when adding the new category of veteran trees for protection.

The Government should also consider adding Assets of Community Value to this list, and elsewhere in the NPPF, so that local authorities can, if appropriate, have clear grounds on which to reject re-development of historic community assets registered as assets of community value.

d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

Yes.

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

No comment. However, Public bodies are under pressure to dispose of historic buildings, but must seek to achieve the best outcomes for their future, rather than the highest price.

Question 6 How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?

There is no objection to such a move in relation to empty/ previously undeveloped urban sites. However, it should not be used to lead to owners of separate heritage assets pooling together to create valuable sites for development. For example, in a high value locations such as London it could lead to owners of locally important buildings, which add much to townscape, coming together to offer a site large enough for a substantial redevelopment scheme. The existing important group of heritage buildings would be lost as a result.

It is important to recognise that not all 'ransom strips' are negative. Some are important for conservation purposes – protecting views etc.

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

Only if the environmental benefits and dis-benefits of estate regeneration are given equal prominence. Some estates, though neglected, will be heritage assets in their own right and worthy of restoration and investment. Conversely, some estates will have damaged the settings of designated heritage assets. Any regeneration should have regard to improving the setting of nearby heritage assets.

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

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

It should be made clear that when the Government amends the NPPF as set out in A.52 – to ‘indicate that great weight should be given to using small undeveloped sites within settlements for homes’, that these small sites do not include gardens and that great weight should not outweigh other considerations set out in NPPF – where, for example, housing on the site would affect the setting of a designated heritage asset.

We do not otherwise object if sites are only identified where any necessary archaeological assessment and evaluation has been undertaken and shown that allocation is appropriate.

b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority’s housing needs?;

Yes, provided that full account is taken of the impact of such further development upon the historic environment. Work to improve the historic environment could be what is necessary to help villages thrive. For example, in return for building houses a developer could agree to make townscape heritage improvements to village centre shop fronts etc. making a village more attractive and increasing its ability to attract people and thrive.

c) give stronger support for ‘rural exception’ sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?;

Sites ‘on land which would not normally be permitted for homes’ should remain exceptional and only be permitted where full account has been taken of the impact of such further development upon the historic environment. A development which would not otherwise be acceptable in heritage terms should not be made so because of this change. Nor should this change be applicable within greenbelt areas.

d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?;

The allocation of such small sites must clearly exclude gardens.

e) expect local planning authorities to work with developers to encourage the sub-division of large sites?; and

Special consideration should be given to how this might affect the redevelopment of complicated heritage sites such as mill complexes. This may lead to only part of the complex being developed if one developer dropped out, meaning that people may live on a half-developed site etc.

f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?

Local Development Orders grant planning permission to specific types of development within a defined area. Any encouragement of the greater use of Local Development Orders needs to ensure that impact on the historic environment is fully considered and that all necessary archaeological assessment and evaluation is carried out on a site-by-site basis to ensure that there are no overriding objections to any specific development on archaeological grounds.

While we support the continuing emphasis on design, we are also concerned that the greater use of area-wide design codes may not be sufficiently flexible to appropriately address the circumstances of every case.

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

Whatever approach is adopted, 'streamlining' should not remove the essential safeguards which ensure that the impact of development upon heritage assets is fully considered.

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

a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?

Local authorities should not be permitted to amend Green Belt boundaries where there are undeveloped and appropriate brownfield sites. Heritage sites can be more expensive to redevelop into housing than Green Belt land. This is in part due to the VAT tax incentive of 0% for new builds as opposed to 20% on restorations, conversions etc. See our latest comments [on VAT here](#).

If the Green Belt can be developed more easily, housing developers will not take on the more difficult brownfield or derelict heritage sites. Investment in both vital to improving townscape and place.

Therefore, it is important to define what is a 'reasonable option' for brownfield development to show that these have been examined by a local authority before amending Green Belt Boundaries.

In addition to meeting these requirements the Greenbelt site selected for development should minimise impact on the historic environment and landscape. The Government should also consider requiring evidence to be provided to demonstrate that the exceptional requirements have been met. This would help to ensure confidence that a 'high bar' is still retained before development of the Green Belt takes place.

b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?

Yes, though guidance will be needed on what constitutes appropriate compensatory improvement to other Green Belt areas. For example, the developer of a small plot on former Green Belt land may

argue that a compensatory improvement of creating a nature reserve on remaining Green Belt goes beyond compensating for the impact of their development.

Cumulative compensation for small former Green Belt development sites may not create significant compensatory improvements to the remaining Green Belt.

Compensatory improvements offered by developers must not be included as part of the process to determine whether the land is suitable to be released from the Green Belt or the improvements offered could serve as an inducement to local authorities to free up Green Belt Land which would otherwise not have been.

It is important to note that compensatory improvements cannot be made where the section of Green Belt to be removed had been important to the setting and special character of towns. The Green Belt should not be released in such circumstances.

c) appropriate facilities for existing cemeteries should not be regarded as ‘inappropriate development’ in the Green Belt?

No comment.

d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?

e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?

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

(10 d-f) Previously-developed land and land which surrounds transport hubs, by definition, has the potential to be of archaeological interest. It is also more likely to impact on the setting of heritage assets. These issues should be fully considered when assessing whether to develop.

Question 11 Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?

Yes. Local authorities should carry out an audit of empty properties and buildings before using Green Belt land to ensure that empty properties are brought back into use. This should include ensuring that residential accommodation above shops in town centres is brought back into use.

Local authorities should be expected to work closely with authorities beyond the Green Belt to seek to accommodate additional growth in or around other settlements to avoid the further sprawl of the main urban area.

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

a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?;

Yes, as neighbourhood planning groups cannot be expected to work this out for themselves.

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

Yes, provided that those expectations and codes are not too inflexible and fully take account of the diversity of the historic environment. Therefore, a design code for entire local authority area would be unlikely to respect the distinct character of various localities.

c) emphasise the importance of early preapplication discussions between applicants, authorities and the local community about design and the types of homes to be provided?;

Yes, communities are often currently left out from pre-application discussions meaning that they are only able to comment once a developer has spent significant sums drawing plans up and will therefore be resistant to change.

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

No, this could negatively affect the historic environment. For example, a block of flats may comply with the design expectations set out in statutory plans, however, it may still be harm the setting of a listed building if it were to be built on its garden/ next door. More sensitive designs may be needed in conservation areas and where they affect the setting of a listed building.

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

Yes, provided that the standard is not too inflexible and takes account of the diverse local methods and styles in historic buildings. Such a standard should be widely publicised and consulted on.

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

a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?;

Yes, although this should be subject to the setting of heritage assets and the character of the local area to avoid inappropriate development in some areas. A shortage of land for housing should not justify otherwise inappropriate densities.

b) address the particular scope for higher density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?;

We disagree with this proposal. We agree that higher density should be aimed for where possible but it is important that increased densities of development respect the character of areas and the setting of historic assets. High quality heritage assets should not be lost simply to increase density – this will lead to an erosion of place and a sense of identity. Proposed replacements must be of a higher design quality.

We are concerned about extending scope to build upwards. While there is scope to extend some buildings upwards, careful thought must be given to how this will impact on street scape and heritage.

Listed buildings and conservation areas should be excluded from the scope of such policies as this would undermine their interest.

Heritage assets and everyday townscapes could also be significantly harmed by this proposal if building upwards were to be done by permitted development. Existing permitted development rights already allow loft conversions and gaining of an extra floor.

Any proposal should not be achieved through extending permitted development rights. If, contrary to our suggestion, permitted development rights were to be used, the extension should match the materials and design of the floor below to minimise impact.

c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?;

As we have stated, it is important that increased densities of development respect the character of areas and the setting of historic assets. The high density terraced housing and mansion blocks are likely to have less of an impact on settings and views of heritage assets than tower blocks. The Government should therefore amend the NPPF to state that to achieve density, terraced housing and mansion blocks should be considered first and towers only considered where they achieve more housing. Careful consideration should be given to how towers will impact on the character of an area.

d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?

No, we do not agree with limiting the application of heritage protection policies which may impact on these objectives. High density may not be appropriate next to a Grade I listed building in a conservation area. These issues should be fully considered and policies not simply ignored.

Question 14 In what types of location would indicative minimum density standards be helpful, and what should those standards be?

Any minimum density standards should be non-binding when achieving that density would cause harm to the historic environment.

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

The use of local development orders and permitted development rights would reduce critical safeguards for the historic environment.

This is especially important for the development of public sector sites many of which will contain heritage assets. Any development on these sites should seek to secure work to restore historic facades etc. to offset impact of additional building.

Planning applications secure the pre-determination carrying out of archaeological assessment and evaluation and allow the imposition of archaeological conditions which are effective post-determination. In the absence of such an application there is, in most cases, no effective means to protect heritage assets and their significance and secure public benefit.

Proposals from Chapter 2

Question 16 Do you agree that:

a) where local planning authorities wish to agree their housing land supply for a oneyear period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?;

No comment, save the requirement to over-provide through the stipulation of buffers needs to be clearly justified since the over-provision of housing land almost inevitably increases pressure on more environmentally sensitive sites.

b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?

No comment.

c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?

No comment.

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

a) a requirement for the neighbourhood plan to meet its share of local housing need?;

No comment.

b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?

No comment.

c) should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?

No comment.

Question 18 What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:

a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;

The fee should be payable only if an appeal was unsuccessful. This would mean that the fee should not be a barrier for, for example, a homeowner appealing an obviously flawed listed building consent decision.

However, using a costs sanction for unreasonable appeals may be a better answer to unnecessary appeals being brought.

b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful;

This should be as low as possible for homeowners and should be refunded if successful.

c) whether there could be lower fees for less complex cases.

This seems sensible and should be the case for listed building consents which are already an additional cost for owners.

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

Yes, these policies should consider the impact of infrastructure on the historic environment and ensure that it is minimised.

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

• the status of endorsed recommendations of the National Infrastructure Commission is made clear?; and

This depends on the status it is given. The recommendations should not override heritage protection concerns. Infrastructure recommendations should seek to minimise impact on the historic environment and landscapes.

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

No comment.

Question 21 Do you agree that:

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

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

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

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

(Q21 a, b, c) We support the Government in its desire to see that housing sites with planning permission are built out as promptly as possible and we do not object to the proposals envisaged in question 21, but we are doubtful as to how effective these proposals will be in practice in addressing this issue.

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

Yes. This is especially important for heritage assets conversion which may require a more complicated skill set than ordinary building.

Question 23 We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.

Yes. This is especially important for heritage assets conversion which may require a more complicated skill set than ordinary building.

Question 24 If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?

No, as it only allows the track record to be considered it is not decisive. Many heritage assets will be on small scale sites so would be excluded from this.

Question 25 What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.

Projects involving heritage can bring huge benefits to communities but they can also be complex, especially after long periods of neglect. As a result, they may take years to set up, so a 2-year limit might prejudice the likelihood that complex projects will go ahead. A developer might not want to invest time and money in developing a planning application if they would not have time to implement it.

Question 26 Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?

Yes. This can have important benefits for heritage assets which have been granted planning permission and then sit empty and unused slowly deteriorating and threatening their future survival and viability.

However, conversely heritage projects get delayed for a variety of reasons, and local authorities should discuss fully with developers the impact of completion notices to avoid unforeseen consequences where work is being done to set up a complex heritage project.

Question 27 What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?

Yes. As pointed out it is important to keep heritage buildings in use and maintained.

Question 28 Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?

b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?

c) Net annual housing additions should be used to measure housing delivery?

d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17?

No comment, save that whatever test is adopted, the baseline should represent a realistic assessment of need and not aspiration.

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

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

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

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

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

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

No comment, save that the consequences of under-delivery should recognise

- the need, wherever possible, to support the plan-led system
- the dangers of over-provision, for instance, through excessive requirements for buffers.

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

As we pointed out in the introduction, proper resourcing ring-fenced for planning departments is vital to both increasing housing delivery and minimise harm to the historic environment. The Government needs to provide more information on how the ring fence will work in practice and consider ring fence funds for conservation officers specifically.

Increased support (e.g. financial incentives) to remediate brownfield land could also be very helpful to secure the development of some difficult heritage sites. Other funding ideas, such as reducing VAT on work to existing buildings to 5% could help drive housing delivery through conversion of large heritage assets such as former factories and mills.

Planning freedoms under the Housing and Planning Act 2016 may have a role to play. However, if the intention is by this means simply to by-pass legitimate requirements of the application process (including the need for appropriate archaeological assessment and evaluation) to ensure that development is sustainable, we would strongly object to their use. This would render the historic environment vulnerable to substantial harm.

Question 31 Do you agree with our proposals to:

a) amend national policy to revise the definition of affordable housing as set out in Box 4?;

b) introduce an income cap for starter homes?;

c) incorporate a definition of affordable private rent housing?;

d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

Our concern in relation to affordable housing remains to ensure that land which is identified for affordable housing is ultimately developed for affordable housing. If not, further land will need to be identified for this purpose, thereby increasing the pressure on the natural and historic environment.

Question 32 Do you agree that: a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products? b) that this policy should only apply to developments of over 10 units or 0.5ha?

No – for the reasons set out in our answer to question 33.

Question 33 Should any particular types of residential development be excluded from this policy?

Yes, there should be exemptions for the conversions of heritage assets where the cost of restoring the building and providing the required affordable housing would make the proposal uneconomical.

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

It is not sufficiently clear how the Government intends to amend the Framework for us to support this proposal. Any changes must ensure that the management and protection of the historic environment remains a key element of sustainable development.

Question 35 Do you agree with the proposals to amend national policy to: a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?

Yes.

b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?

Yes, provided that these properly consider their impact on the historic environment and landscapes.

Question 36 Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?

Yes, provided that these properly consider the impact of requiring flood mitigation measures for listed buildings and on the historic environment and landscapes.

Question 37 Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development?

Yes, we strongly agree with this proposal and it has been specifically raised as a point of concern by Heritage Alliance members such as the Theatres Trust. These types of venue and businesses are often located in heritage assets. The least harmful use for a heritage asset will often be the one for which they were originally designed. This amendment will help support such original uses.

Question 38 Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?

Yes, it should be incorporated into the NPPF. However, we have concerns over removing the need to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Question 39 Should the thresholds set out in Part 6, Class A of the Town and Country (General Permitted Development) Order 2015 (as amended) be amended, and if so: • What would be appropriate thresholds including size and height; • What prior approvals or further conditions would be required; and, • Are there other changes in relation to the thresholds that should be considered?

Consideration should be given to the impact of changes on historic farm buildings and landscapes.

Question 40 Do you consider that this proposal would be effective in creating more homes for rural workers, and if so: • How should the right be framed to best ensure homes are available to meet local need; and, • Should the new right have similar conditions to the existing Class Q right?

Evidence suggests that there are many redundant traditional farm buildings at risk of being lost where local authorities have refused to contemplate their re-use, or to take their heritage value into account in decision-taking, because they are located in "open countryside". However, any proposals for change must ensure a focus on good design and the importance of preserving heritage – even where non-designated. Further consultation on the details of any proposals would be welcomed.

We would welcome the opportunity to discuss further with DCLG how these and other plans may impact on the historic environment.

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