

# Local Plans Expert Group Report

## Representation to the CLG Select Committee



27 June 2016

The Heritage Alliance is the key coalition of heritage interests in England, bringing together over 100 mainly national organisations which are in turn supported by over seven million members, Friends, volunteers, trustees and staff. Together they own, manage and care for, the vast majority of England's heritage. The Alliance takes a strong interest in planning policies affecting heritage through our Spatial Planning Advocacy Group which draws on the knowledge and expertise in its membership. We work closely with Historic England as the Government's advisor on the historic environment and the Alliance is a member of the National Planning Forum of cross-sectoral interests in a fit-for-purpose planning system.

The Heritage Alliance welcomes this opportunity to contribute to the CLG Select Committee's inquiry into the Local Plans Expert Group (LPEG) recommendations that were published in March this year<sup>1</sup>. In April we made representation<sup>2</sup> to DCLG as part of their consultation on the LPEG's recommendations, as did several of our members: National Trust<sup>3</sup>, Campaign to Protect Rural England<sup>4</sup>, Chartered Institute for Archaeologists<sup>5</sup>, Civic Voice<sup>6</sup>, Country Land & Business Association<sup>7</sup>, and The London Forum of Amenity and Civic Societies<sup>8</sup>. We should like to commend these to you, together with the response provided by Historic England<sup>9</sup>.

We support DCLG being proactive in taking the step to consider how Local Plan-making can be made more efficient and effective and we welcome the underlying principle in the LPEG report—that a Local Plan-led system is the best way to guide good development, meeting both local and long-term needs. We do, however, have a number of concerns with the recommendations made by the LPEG.

We submit the following points for your consideration:

1. The Alliance supports a Local Plan-led approach to development, which protects the natural and historic environments and involves local communities, supported by the National Planning

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<sup>1</sup> Local Plans Expert Group (March 2016) Local Plans report to the Communities Secretary and to the Minister of Housing and Planning [<http://bit.ly/1SjiW7t>]

<sup>2</sup> The Heritage Alliance (April 2016) Local Plans Expert Group Report Representation to DCLG [<http://bit.ly/1PWrxQ3>]

<sup>3</sup> National Trust (April 2016) Local Plans Expert Group - Local Plans Report to Government. National Trust response to recommendations [<http://bit.ly/1Po72Go>]

<sup>4</sup> Campaign to Protect Rural England (April 2016) CPRE response to: recommendations made by the Local Plans Expert Group [<http://bit.ly/28wrWPk>]

<sup>5</sup> Chartered Institute for Archaeologists (April 2016) Cifa Representation on Local Plans Expert Group Report [<http://bit.ly/25WR6ED>]

<sup>6</sup> Civic Voice (April 2016) Civic Voice response to the Local Plans Expert Group Report to the Communities Secretary and to the Minister for Housing and Planning [<http://bit.ly/25WQDSQ>]

<sup>7</sup> Country Land & Business Association (April 2016) Local Plans Expert Group Report Communities and Local Government Consultation [<http://bit.ly/25WREtV>]

<sup>8</sup> The London Forum of Amenity and Civic Societies (April 2016) Local Plans Expert Group: Report to the Secretary Of State. Comments by London Forum of Amenity and Civic Societies [<http://bit.ly/1Ylbahp>]

<sup>9</sup> Historic England (April 2016) Historic England Response to the Local Plans Expert Group Report [<http://bit.ly/28wtn09>]

Policy Framework (NPPF) and associated guidance. This has served since 2012 to protect the historic environment while allowing appropriate development. We are disappointed that four years after NPPF was published, 17% of Local Planning Authorities (LPAs) have still not published Local Plans and 34% have not yet adopted Plans<sup>10</sup>. The inconsistency of provision across the country is of special concern given that the Housing and Planning Act 2016 includes provision for a Local Plan to constitute one of the qualifying documents for the new permission in principle for development of brownfield sites for housing. We assert the value of the historic environment *across the country* and the need to apply sufficient measures for its protection *equally across all regions*. **We support the recommendation for a change to legislation placing a statutory duty on Local Authorities to produce and maintain an up-to-date Local Plan.**

2. We are concerned by the finding of the LPEG that pace of preparation of Local Plans is slowing down and they taking longer to prepare and examine. So whilst we welcome the Government's commitment, as articulated by the Chancellor in the 2016 Budget<sup>11</sup>, to ensure delivery of Local Plans, we question the proposed timescale. We are not convinced that LPAs have the capacity to meet the plan adoption deadline of 2017. The result is likely to be hurriedly produced plans of poor quality. We believe that focus should be on ensuring that all LPAs have post-2012 adopted (or at least with adopted revisions) Core Strategies or strategic policies for their area together with site allocations.
3. The latest PINS figures<sup>12</sup> show that only around 110 have reached this point and it will be near impossible for the remainder to achieve this point within a year. This should be the immediate priority, with amendment of the process following afterwards. Our foremost concern here is the inadvertent detrimental effect this may have on providing sufficient assessment of natural and historic environment resources. The need for a sound and up-to-date evidence base (NPPF paragraphs 158–77) is critical and must include advice from statutory consultees such as Historic England, Natural England and the Environment Agency, as to what local policies are needed for the environment and the environmental constraints and opportunities of proposed site allocations to help ensure that sustainable development is achieved. **In addition to placing a statutory duty on Local Plan-making, we urge Government to go further and place Historic Environment Records similarly on a statutory basis.** With mass public-asset transfer ahead there is an ever more urgent need to know and understand the significance of local historic environment assets.
4. Furthermore, we are concerned at the threat posed to heritage by the Neighbourhood Planning and Infrastructure Bill 2016-17 that was announced in the Queen's Speech. The Cabinet Office's briefing<sup>13</sup> indicates that the Bill will bring forward measures so that 'pre-commencement planning conditions are only imposed by local planning authorities where they are absolutely necessary'. At present these planning conditions allow archaeological work required to deliver sustainable development to be secured and, where necessary undertaken, before development commences. The potential adverse effect on un-designated heritage—i.e. that which is neither listed nor scheduled—is especially high, since this is *the principal mechanism* that provides for their protection. The Government's response to the petition, "Stop

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<sup>10</sup> CLG Committee (April 2016) Report: Department for Communities and Local Government's consultation on national planning policy [<http://bit.ly/25ABJcG>]

<sup>11</sup> HM Treasury (March 2016) Budget 2016 [<http://bit.ly/1R2QgNv>]

<sup>12</sup> Planning Inspectorate Plan Progress (31 March 2016) [<http://bit.ly/1Tso3m9>]

<sup>13</sup> Cabinet Office (May 2106) Queen's Speech 2016: Background Briefing [<http://bit.ly/1qtjFth>]

Destruction Of British Archaeology. Neighbourhood and Infrastructure Bill”<sup>14</sup> on 8 June 2016 does not wholly address these fears since it suggests that such conditions could only be imposed if the applicant agrees, in the absence of which a local authority can only refuse an application. Such an approach does not best facilitate the delivery of sustainable development determined at a local level in accordance with the development plan, but is more likely to produce planning by appeal.

5. Though the LPEG Report suggests that some advice should be given on what strategic policies are needed, it does not recommend the use of model policies and we agree. We would strongly recommend LPAs seek advice from statutory consultees such as Historic England, Natural England and the Environment Agency as to what local policies are needed for the natural and historic environment in their area and the constraints and opportunities of proposed site allocations to help ensure that sustainable development is achieved, as set out in the NPPF.
6. We agree that if the plan-making process is to be reformed to streamline it, the NPPF and NPPG should be made clearer. But having carried out this reform and any required by the Housing and Planning Act 2016, we think that a period of continuity in planning policy and regulations would help LPAs get on with their key functions of plan-making and decision-taking for a while without being distracted by further changes to the planning system. A period of stability is required in order not to undermine confidence in the system. We suggest, however, that after four years a review of how well the NPPF has worked is needed before major changes are made. We recommend that proposed changes to the NPPF and NPPG are subject to scrutiny by a technical working group, drawn, for instance, from the Government’s Planning Sounding Board, before the changes are made so that their potential effect is fully considered. Our fundamental concern in this respect is that the natural and historic environments continue to receive the level of safeguarding in the current NPPF and NPPG.
7. In all these changes designed to speed up the plan-making process we believe it is essential not to lose sight of the crucial need to allow local people to have a say in the future of their local area. Consultation on a Local Plan must take place early enough to allow community engagement on a vision and high-level options for the Local Plan area. The Regulation 18 Consultation is important as it allows local people to see and understand what their new Local Plan may look like, rather than them have to read the earlier policy papers and looking at site allocation issues and options documents and maps. Our concern here is predicated on our belief in the crucial role of civil society to participate in planning and we commend to Government the seven core values drawn up by the International Association of Public Participation in order to provide for *collaborative planning for all*<sup>15</sup>. In this respect we would further recommend to Government the BIMBY Toolkit<sup>16</sup>, produced by a partnership including four Heritage Alliance members (Civic Voice, the National Trust, CPRE and CLA). The toolkit is a simple and practical online tool that will empower communities to work with local authorities and developers to create a regional BIMBY Housing Manual.

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<sup>14</sup> E-Petition: Stop Destruction Of British Archaeology. Neighbourhood and Infrastructure Bill [http://bit.ly/1NDkxXo]

<sup>15</sup> Civic Voice (2014) Collaborative Planning For All [http://bit.ly/1yf5nZL]

<sup>16</sup> <https://www.bimby.org.uk/about-bimby>

8. We are concerned with the LPEG Report's recommendation on calculating Objectively Assessed Need for Housing (OAN) and the housing numbers the plan is required to provide. This is because it calls for reserve sites as well as the identified sites and this will lead to reserve or less suitable sites being cherry-picked by developers because they will most likely be greenfield sites in less sustainable locations.
9. The Alliance supports the principle of making the most efficient use of land by re-developing brownfield sites, where appropriate to local circumstances and weighed against the environmental impact (including impact upon heritage assets of archaeological interest); this follows the core principle in NPPF (paragraph 17). Members of The Alliance's Spatial Planning Advocacy Group continue to be concerned with greenfield sites being seen as 'easy targets' by developers, with greenfield sites coming forward unnecessarily in areas where brownfield sites with planning permission are available. We would encourage use of brownfield sites, where suitable, with the integration of new developments into existing settlements in order to be fully sustainable. As a response to a written question recently raised in the Lords has shown [HL7175], there are currently 658,000 homes with planning permission that have not yet been built. We therefore reiterate the CLG Select Committee's call on Government to set out how it will encourage the delivery of sites with extant planning permission and brownfield development to meet local housing needs<sup>17</sup>.

The Heritage Alliance has made representation to Government on several occasions in recent months on proposed changes to planning policy, responding to the CLG Select Committee inquiry into Consultation on National Planning Policy<sup>18</sup>, the DCLG National Planning Policy: consultation on proposed changes<sup>19</sup>, the DCLG Technical consultation on implementation of planning changes<sup>20</sup> and the DCLG/Defra Rural Planning Review<sup>21</sup>. We are exceedingly concerned that the cumulative effect of the proposed measures is to skew the presumption in favour of sustainable development, as contained in NPPF, towards a presumption in favour of meeting housing needs. We endorse and reiterate the words of the members of the National Policy for the Built Environment Committee in cautioning Government **against setting short-term housing needs above proper planning and long-term sustainability**<sup>22</sup>.

The Heritage Alliance believes that our heritage is one of our greatest national assets. It is a source of national pride and an engine for economic growth as widely demonstrated in the social, economic, environmental and cultural impacts. To ensure that these benefits are realised by Government, businesses, communities and individuals, it is vital that changes to planning policy maintain and improve the existing level of protection.

We are very pleased that the Committee is inquiring into these issues and we would very much welcome the opportunity to assist you in future inquiries. We will be writing shortly to the CLG Select

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<sup>17</sup> CLG Select Committee (April 2016) Report: Department for Communities and Local Government's consultation on national planning policy [<http://bit.ly/25ABJcG>]

<sup>18</sup> The Heritage Alliance's response (January 2016) [<http://bit.ly/1oJ4go0>]

<sup>19</sup> The Heritage Alliance's response (February 2016) [<http://bit.ly/1mXqlhq>]

<sup>20</sup> The Heritage Alliance's response (April 2016) [<http://bit.ly/1Qhft55>]

<sup>21</sup> The Heritage Alliance's response (April 2016) [<http://bit.ly/22KQQoG>]

<sup>22</sup> National Policy for the Built Environment Committee (Feb 2016) Report: Building Better Places [<http://bit.ly/1Q4ToLR>]

Committee Chair to propose a meeting to discuss the opportunity for inquiry into placing Historic Environment Records on a statutory basis.

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