

# Fixing the Foundations

## Statement

# The Heritage Alliance

13<sup>th</sup> August 2015

The Heritage Alliance is the largest coalition of non-government heritage interests in England, bringing together 98 national organisations which are in turn supported by over 6 million members, volunteers, trustees and staff. Together they own, manage and care for, the vast majority of England's historic environment. The Heritage Alliance takes a strong interest in planning policies affecting the historic environment through its Spatial Planning Advocacy Group. This group includes representatives from The National Trust, the Council for British Archaeology, the Chartered Institute for Archaeologists, the Country Land and Business Association, the Campaign to Protect Rural England, and the Institute of Historic Building Conservation.

The Spatial Planning Advocacy Group drew upon the knowledge and experience of its members who met on 23<sup>rd</sup> July 2015 to draw up the following statement. The Heritage Alliance's response is based on the principle that heritage assets and the historic environment are a powerful force in the 21st Century which stimulates economic growth and brings multiple benefits to individuals, communities and government.

### Our Statement:

The Heritage Alliance welcomes HM Treasury's Statement of Intent, *Fixing the Foundations: The Government's Productivity Plan*, as a means of addressing the housing shortage in the UK. The Alliance has long supported the Government's campaign to streamline the planning system while conserving our heritage in order to maximise its economic, environmental and social returns.

The Plan proposes changes to the wider planning system, but we limit our comments to its potential implications for the historic environment and those who care for it.

### Our general concerns are:

1. The Plan has a presumption that planning is a barrier to development and that reducing the level of planning controls will directly increase productivity, but it does not cover supporting local planning authorities to make them more efficient and thus able to make sound decisions in a timely fashion. In our view good planning is, and has long been, a necessary precondition for increasing productivity through helping deliver attractive places where people want to live and work. In addition, businesses that depend upon Britain's built and natural heritage, including our highly productive tourism and creative industries, as well as the heritage industry itself, require a planning system that can effectively manage and conserve heritage from harmful change.
2. The Plan makes little reference to capacity and expertise in Local Planning Authorities to manage the planning system, and in particular the historic environment, efficiently and effectively to create better places.
3. There needs to be secure funding for Historic England to perform its national role of advising and helping local planning authorities with heritage expertise.
4. There is little discussion of safeguards for the environment, the historic environment in particular, or the importance of existing legislation for either designated or undesignated heritage assets on development sites and simplified planning areas like brownfield sites.
5. The trend towards a Zonal System for Brownfield Land which militates against mixed uses or sustainable development, fails to recognise and protect its archaeological interest, does not understand or make use of the environment in the area, and reduces control over the quality of design.

6. There is no reference to sustainable development in the Plan, though the presumption in favour of sustainable development is the ‘golden thread’ running through the National Planning Policy Framework.

### **Our particular concerns are:**

#### **1. Safeguards for the Historic Environment:**

The Heritage Alliance is concerned that there is no reference within the Productivity Plan to maintaining the level of protection of, and existing safeguards for, the historic environment.

The Heritage Alliance believes that the planning system plays a vital function in protecting and enhancing the environment - both historic and natural - for future generations. It balances the long term public benefit with short-term interests. We do not believe that the historic environment acts as a brake on development but that it guides appropriate development in appropriate areas. The Alliance fully recognises and supports the need for sustainable development as endorsed in the National Planning Policy Framework, believing that a properly balanced approach to sustainable development is consistent with the protection of the historic environment.

The Alliance therefore also believes that while the overall objective of the Plan may be concerned with relaxing planning controls, there must be sufficient safeguards in place to protect our valuable and treasured historic environment. There is currently not enough detail in the Plan about the effect these proposals will have on the consent regime for designated heritage assets and their settings, and we also remain concerned that non-designated assets such as archaeological sites will be much more vulnerable than they are at present.

During a Parliamentary Debate on the Localism Bill on 1st March 2010, the then Minister for Communities and Local Government, Rt Hon Greg Clarke MP, affirmed the Government’s commitment in the context of the NPPF by stating it was “certainly not the Government’s intention to weaken the protection for heritage assets”. The Heritage Alliance hopes that it is not the Government’s intention to weaken protection or safeguards for the historic environment under the proposals in the Productivity Plan.

- **The Heritage Alliance asks HM Treasury, the Department for Business, Innovation and Skills, and the Department for Communities and Local Government, to provide further clarity on the proposed legislation and regulation changes in the context of the historic environment, and to ensure appropriate safeguards are in place to protect the historic environment.**
- **The Heritage Alliance asks for assurance that the sustainable development thread in the National Planning Policy Framework is fed through to the proposals in the Productivity Plan.**

#### **2. Invest in Local Authority Capacity**

The Heritage Alliance has consistently expressed its concern about the lack of adequate expert staff in local authorities, especially historic environment professionals, and the Plan does nothing to address this on-going issue. Without proficient advice on the historic environment and conservation matters, government targets regarding an adequate housing supply may be met – but at the expense of the environment.

Continuing research undertaken by the Institute for Historic Building Conservation, the Association of Local Government Archaeological Officers and Historic England has [shown](#) a dramatic fall of 32% in the number of Archaeological Advisors and Conservation Officers providing advice at the local authority level since 2006 – with some authorities dispensing with any expert advice. It is clear that historic environment planning advice and a well-maintained Historic Environment Record at the local authority level are critical for local economic growth and development, by allowing applicants and their advisers to meet statutory requirements more promptly, for specialists to provide an early indication of the impact on heritage assets, help to prevent wasted applications, unmanaged risk (and compensation), unplanned costs and delays to development.

- **The Alliance asks that provisions are also sought so that each Local Authority has access to historic environment professional advice and a well-maintained Historic Environment Record, which will help achieve the Government’s sustainable development objectives while speeding up the planning process.**

The Heritage Alliance also remains concerned about future funding for the Government's statutory adviser on the historic environment, Historic England. Unless its Grant-in-Aid support is maintained at or above the current level (£69.3m in 2015-16), the new organisation will not be able to successfully continue its national role of advising and helping local planning authorities with heritage expertise such as supporting structural engineering, conservation, architectural, planning and surveying advice.

- **We ask Government to confirm its continued funding for Historic England at or above current levels beyond 2015-16 so that it can continue its role in supporting the planning system and the ambition to increase productivity.**

### 3. **Brownfield Land Zonal System:**

The Heritage Alliance welcomes the announcement of a new statutory register of Brownfield Land in the Productivity Plan as a means of helping address the housing shortage. We are concerned, however, about the possible impact upon undesignated heritage assets and on the setting of adjacent heritage assets of the proposed new procedure to grant, in the words of *Fixing the Foundations*, 'automatic permission in principle' for sites on the register.

To secure sustainable development, the NPPF clearly requires all parties to use the creative process of planning to secure good design in order to 'create better places to live and to reflect built and natural environment surroundings, connections between people and places, and to improve the character, quality and functionality of areas'. To be able to do this requires an understanding of what is on the brownfield site, as much to see the opportunities as to know any constraints.

The NPPF also clearly states that poor design should be refused, and that planning as a whole should not demand particular architectural styles or stifle innovation or initiative, but should instead promote or reinforce local distinctiveness [NPPF 7:56-68]. The relaxation of brownfield planning controls could remove the valued opportunity for interested parties to comment fully on important matters of scale, massing, layout, materials and landscape whilst the value of locally made decisions is acknowledged and promoted in other instances.

The NPPF also states that 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people' [NPPF 7:56], while 'Planning policies and decisions should aim to ensure that developments...respond to local character and history, and reflect the identity of local surroundings and materials' [NPPF 7:58]. Ensuring this while relaxing controls would not normally be achievable. However, if applications are produced by following the recognised design process thoroughly, this will make approvals in good time more likely and demonstrates due regard for local context to affected parties.

### **Undesignated Heritage Assets**

We are concerned about the impact upon undesignated heritage assets on brownfield land and on the setting of adjacent heritage assets. Many brownfield sites have the potential to contain industrial archaeology whose significance has not been assessed.

Unlike scheduled monuments and listed buildings, undesignated heritage assets (such as archaeological remains) only receive protection under the planning system. We understand that the Government intends to allow sites to appear on the register if they have been nominated through a Strategic Housing Land Availability Assessment (SHLAA), but nomination in a SHLAA involves little or no assessment or public consultation as to what level of development the site is suitable for. We are therefore concerned that if 'automatic permission in principle on brownfield sites identified on those registers' [Chapter 9.15] is given, and without the sites having first been tested through the Local Plan process, this would mean that protection for these undesignated heritage assets would not be triggered. It has also not been made clear as to what the scope would be to require planning conditions and/or obligations once a 'permission in principle' has been granted. We believe that this could have serious consequences for un-scheduled archaeological remains of both local and national significance.

We believe that the proposed measures to facilitate the delivery of brownfield land for housing must contain adequate safeguards to ensure that the significance of any heritage assets are understood, and that such assets are adequately managed and protected in line with the National Planning Policy Framework. We argue that the proposed Zonal System for Brownfield Land should not reduce or undermine the level of protection of our irreplaceable historic environment, but that by understanding the heritage on brownfield sites, its significance can be protected and it can also contribute to the quality of the development.

The Heritage Alliance would welcome the opportunity to discuss with the Department for Communities and Local Government how safeguards for undesignated heritage assets on brownfield could be integrated into law and policy in a way that does not hamper the Government's overall objective of meeting its housing targets. We would particularly emphasise the usefulness of Local Plans, which allow for both testing of sites and for questions of setting and design to be considered in the round (see section 4 below).

**The Heritage Alliance seeks:**

- **Clarity on the definition of brownfield land in the Plan.**
- **Further clarity on what will be covered under the 'limited number of technical details' before automatic permission on brownfield land is granted, and what the scope would be to seek planning conditions and obligations [Chapter 9.15]**
- **Sufficient safeguards put in place to exempt all heritage assets from automatic consent, and that provisions are put in place for the assessment, protection and mitigation of damage.**

#### **4. Design, setting and place-making:**

While The Heritage Alliance acknowledges the emphasis on housing in the Productivity Plan, we advocate that it is also critical to look at issues around character, distinctiveness, and design. Numerous studies show that there is a relationship between the attractiveness and culture of a place and its economic success.

To secure sustainable development, the NPPF clearly requires all parties to use the creative process of planning to secure good design in order to 'create better places to live and to reflect built and natural environment surroundings, connections between people and places, and to improve the character, quality and functionality of areas'. The NPPF also clearly states that poor design should be refused, and that planning as a whole should not demand particular architectural styles or stifle innovation or initiative, but should instead promote or reinforce local distinctiveness [NPPF 7:56-68]. The NPPF also states that 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people' [NPPF 7:56].

Proposals in the Plan, such as removing in London 'the need for planning permission for upwards extensions for a limited number of stories up the height of an adjoining building' [Chapter 9.21], could have a detrimental effect on the setting of heritage assets including World Heritage Sites such as the Palace of Westminster, and the Tower of London and listed buildings and conservation areas.

The Heritage Alliance would like to ensure that adequate discussion is given to achieving the aims of the NPPF in regards to issues of setting of heritage assets and raising design quality. The Alliance is also concerned by the housing focus in the Plan which fails to address how development is supported by the necessary infrastructure as well as the importance of mixed-uses, place-making and well-being. For these reasons we believe that Local Plans are critical to the introduction of a new 'zoning' system, as these should allow for policies to manage setting and design, as well as for co-ordination of new housing with infrastructure.

With DCLG recently taking on the design brief from DCMS, The Alliance wants to ensure that issues around design and character as set out in the NPPF will be accommodated within reduced planning controls.

- **The Heritage Alliance reminds Government of the need to build in a sustainable way that enhances heritage assets and townscapes and that these ideas are taken into consideration in the development of these proposals.**

- **The Heritage Alliance seeks clarity on how general issues around design and character will be accommodated within the reformed planning system.**

#### **5. Community Engagement:**

The Heritage Alliance remains concerned about the lack of recognition of the important role of communities in the planning system, and feels that current references in the Productivity Plan suggest negative implications for the influence of communities on development in their local areas. For instance, the proposals with regard to brownfield registers and a zonal planning system appear to undermine the close involvement of communities and other stakeholders as advocated by the Government. In this connection we welcome the statement made by Greg Clark in a letter to the Planning Inspectorate on 21 July that progress in adopting Local Plans should be maintained, and that planning inspectors should work pragmatically with local authorities towards achieving sound plans.

We are also concerned about the proposal in the Plan for the intervention of the Secretary of the State over the production of Local Plans where local authorities are judged to be too slow. While recognising that the Productivity Plan suggests these interventions will be “in consultation with local people” (p.44), The Alliance feels that these proposals stand in stark contrast to the Government’s ongoing commitment to planning reform, localism, neighbourhood planning and devolution.

- **The Alliance seeks reassurance that the community element of the planning process, a key element of the Localism Act and planning policy, is not lost within streamlined processes.**
- **The Heritage Alliance asks that community groups have input into the designation of brownfield sites.**

#### **5. Conclusion**

As a long-standing member of the Historic Environment Forum working on the development of Planning Policy Guidance and Historic England Good Practice Advice, the Alliance looks forward to working closely with DCLG and other relevant bodies on ways to achieve the Government’s objectives without irreversible damage to the historic environment, which is irreplaceable, and which will play an essential part in securing our sustainable future.

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