

Draft revised National Planning Policy Framework consultation - Heritage Alliance response

The consultation, which closed on the 10th May, strongly encouraged the use of an online survey. This document sets out the questions in the consultation and the surrounding text in black with the answers the Alliance submitted online in blue.

Note that a further consultation is expected on a new permitted development right for upward extensions and more effective ways to bring agricultural land forward for housing.

Chapter 1 Introduction

The revised text reflects these previous announcements or consultation proposals:

Paragraph 6 clarifies that endorsed recommendations of the National Infrastructure Commission may be material when preparing plans or determining applications.

Q1 Do you have any comments on the text of Chapter 1?

We regret the loss of the last sentence in the present para one, about the role of 'local people and their accountable council'. We feel that in this section there should be mention of the 'golden thread of sustainable development'.

Chapter 2 Achieving sustainable development

The revised text reflects these previous announcements or consultation proposals:

The wording of the presumption in favour of sustainable development (paragraph 11) has been reordered to reflect the way that plan and decision-making are approached in practice. The draft text also sets out an expectation for objectively assessed needs to be accommodated unless there are strong reasons not to, including any unmet needs from neighbouring areas.

The current Framework includes examples of policies which provide a specific reason for restricting development. This is proposed to be changed to a defined list, which is set out at footnote 7 and includes Ancient Woodland and aged or veteran trees. This approach does not preclude other policies being used to limit development where the presumption applies, if the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The revised text also proposes these policy changes:

Paragraphs 8-10 have been amended to clarify the role of the three high-level objectives for planning, and explain more clearly how these relate to the presumption in favour of sustainable development.

Additional changes to the presumption in favour of sustainable development clarify that the policies which provide a specific reason for refusing development (at footnote 7) relate to areas or assets of particular importance identified elsewhere in the Framework. The decision-making part of the presumption has also been changed to provide greater clarity, so that it refers to circumstances where “there are no relevant development plan policies, or the policies most important to determining the application are out of date”; and to “refusing” rather than “restricting” development. These changes are intended to improve the application of the presumption, by addressing aspects that have been subject to litigation about their scope or meaning.

Q2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

No. Taken together these changes will significantly reduce the ability to reject schemes or plans which damage the historic environment and heritage assets. This a key area of our concern in relation to the revised draft. However, we welcome the statement from MHCLG planning director Simon Gallagher at the recent Heritage Council that no reduction of heritage protection is intended and that a further meeting will address these concerns over the change of language used in detail.

The Government should edit the environmental objective at para 8 c) to clearly include the need to avoid the environmental impact of demolishing, rather than reusing existing buildings and harnessing their embodied energy (present NPPF para 17 6th bullet).

We regret the loss of a clear commitment to a positive improvement in the environment in present NPPF para 9 which states: 'Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life'. This should be reinstated.

The changes have reduced the importance of the three objectives of sustainable development - stating in the new paragraph 9 that 'they are not criteria against which every decision can or should be judged', but losing the first sentence of the present para 8. This will obviously make it more difficult to reject development which doesn't comply with these objectives.

The presumption in favour of sustainable development becomes much harder to rebut if the description of the economic, social and environmental objectives are not criteria against which every decision should be judged.

The only way that the presumption in favour of sustainable development will be able to be rebutted is on the grounds set out within the presumption at para 11 b) and d). The new language creates a significantly higher hurdle than the existing NPPF.

Para 11 b) of the presumption deals with reasons for departing from providing for 'objectively assessed needs for housing and other development'. 11 b) i is a significant tightening of the previous equivalent wording in the existing para 14 of the NPPF which stated that 'specific policies in this Framework indicate development should be restricted' and linked to footnote 9 which gave examples of policies.

11b) i now gives an exhaustive list of policies in footnote 7. This list excludes heritage protection policies such as conservation areas and non designated heritage assets and does not explicitly mention world heritage sites etc... It also seems to place a higher bar for relying on these policies saying that the should provide '**a strong reason for restricting**' rather than the existing wording that they '**indicate development should be restricted**'.

Similarly, the presumption in favour of sustainable development relating to decision taking at para 11 d) has also become much harder to rebut for heritage policies.

Like 11b)i, 11 d) i now refers to the exhaustive list of policies in footnote 7 which excludes heritage protection designations such as World Heritage Sites, Non-designated heritage assets as set out in present NPPF at para 135, and in particular locally listed buildings as identified by the local planning authority. Non-designated heritage assets may represent significant and under recognised 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. These changes will make this harder (they can already be demolished under permitted development rights).

Para 11d i again places a higher bar for relying on these policies saying that they should provide ‘**a clear reason for restricting**’ rather than the existing wording that they ‘**indicate development should be restricted**’. This would avoid making the tests harder to meet or opening the door to legal challenge around the strength or clarity of reasoning. This would reflect the changes made to the tests for a sound plan – changing to an appropriate strategy rather than ‘the most appropriate strategy’ to, in the consultation’s wording ‘avoid the need for disproportionate work to demonstrate that a strategy is optimal’.

It adds complexity and makes protecting heritage harder to have two different harder tests of a **strong reason for restricting** in 11 b) i) and ‘**a clear reason for refusing**’ in 11 d) i). The existing test for both ‘**policies in this Framework indicate development should be restricted**’ should be retained. The new test of a clear reason for refusing opens the possibility of an appeal over whether the reason given was sufficiently clear to justify refusal.

The consultation document states that despite the list at footnote 7 becoming exhaustive rather than giving examples, this ‘does not preclude other policies [not included at footnote 7] being used to limit development where the presumption applies, **if the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits**’. This is a significant worsening of the current position where heritage policies not mentioned in the footnote could be used to restrict development if ‘**policies in this Framework indicate development should be restricted**’. This is a lower bar to meet than the proposed ‘**significantly and demonstrably outweigh the benefits**’. This clearly amounts to a reduction in protection for heritage policies not mentioned in footnote 7.

There are significant implications of changes in footnote 7 for heritage in particular. It is estimated that 80,000 historic assets are currently undesignated, but unless these are of sufficient archaeological interest to merit ‘equivalent significance to scheduled monuments’, as set out in footnote 55, they no longer enjoy protection against the presumption.

It is difficult to see why the footnote 7 list is being changed from one which cites examples to being an exhaustive list unless the Government wants limit those policies which could rely on it. The consultation text states that those policies mentioned at footnote 7 relate to ‘areas or assets of particular importance identified elsewhere in the Framework’. It is hard to see why local green space should be considered of ‘particular importance’ but a conservation area or world heritage site is not.

Taken together these changes mean that Local Authorities with limited resources and reduced heritage expertise are more likely to approve development which will have a negative impact on heritage as the bar for rebutting the presumption of sustainable development has been set significantly higher.

We recommend that an amended footnote 7 be incorporated into the main body of text to give these important policies which should be seriously considered during decision making. At the very least footnote 7 should be kept as a list of examples as is the case currently. If not, policies such as conservation areas such be included in the footnote. The case for making this change is strengthened by the fact that footnote 7 is also referred to in footnote 27 and elsewhere thus the status of those policies not listed, such as conservation areas, is undermined throughout the document.

Paragraph 14 is based on the Written Ministerial Statement of 12 December 2016, to provide additional certainty for neighbourhood plans in certain circumstances, including where there is substantial under-delivery of housing. It protects certain plans in circumstances where the adverse impacts of allowing development that conflicts with a neighbourhood plan are likely to significantly and demonstrably outweigh the benefits. This

revised wording is considered to be more effective than setting out the 'weight' that should be given to plans in particular circumstances.

It is proposed that the 'core planning principles' section in the existing Framework is deleted, to remove duplication with other chapters, and ensure that important policy messages are aligned with relevant topic chapters to maximise their effectiveness. The content of the core principles has been retained, and been moved to the most appropriate parts of the revised Framework.

Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

No – the core principles are a helpful statement at the beginning of the document bringing these principles together in one place. We take the MHCLG point that duplication in slightly different terms throughout a document can lead to confusion but the answer to this is to ensure that the same terms are used throughout, not that the core principles are removed.

Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

The change in para 8c, adding 'including the effective use of land' into the environmental objective is contradictory as it is an economic objective, and could dull the effect of the environmental objective. Chapter 11 (making effective use of land) is about meeting the need for homes and other uses.

Chapter 3 Plan-making

The revised text reflects these previous announcements or consultation proposals:

The housing White Paper proposed a number of changes to plan-making policy, which build on the changes in law introduced through the Neighbourhood Planning Act 2017. These are reflected in the plan making chapter as follows:

- a) a new plan-making framework which defines strategic priorities and allows authorities to plan for these in the most appropriate way;
- b) amendments to the tests for a 'sound' plan, to make clear that it should set out 'an' appropriate strategy rather than 'the most appropriate strategy' (to avoid the need for disproportionate work to demonstrate that a strategy is optimal);
- c) enabling spatial development strategies to allocate sites if there is unanimous agreement;
- d) the new requirement for authorities to review plan policies every five years following the date of adoption, with updates, if necessary, to reflect changing circumstances;
- e) tightening the evidence which is expected in respect of both local and strategic policies to support a 'sound' plan, to allow for a more proportionate approach; and
- f) introducing the expectation that plans should use digital tools to assist consultation and presentation of policies.

The Planning for the right homes in the right places consultation also proposed changes that are reflected in the chapter. These are:

- a) setting out that to meet the test of soundness authorities (including Mayors and combined authorities with plan-making powers), when preparing plans, will need to prepare and maintain a statement of common ground, as evidence (where appropriate) of the statutory duty to cooperate;
- b) changing the 'effective' and 'positively prepared' soundness test so that these more clearly encourage agreements and joint working; and

c) a new approach to viability, through which plans are expected to be clear about the contributions expected in association with development. This will help ensure that requirements on developments set through plan policies are deliverable, more transparent and provide more certainty about what will be expected at the decision making stage.

Paragraph 23 reflects changes to the Town and Country Planning (Local Planning) (England) Regulations 2012 which come into force on 6 April 2018, requiring local planning authorities to review their local plans every five years from adoption. Under the Neighbourhood Planning Act 2017, local planning authorities must consider whether to revise the document following such a review, and publish their reasons if they decide not to do so.

The revised text also proposes these policy changes:

Paragraph 21 expects strategic policies to be distinguished clearly in plans, to allow clear scope for local policies to be formulated.

Further changes are also proposed to the tests of ‘soundness’, to:

- a) ensure a consistent approach to examination, by extending their application to all strategic and local plans, so that policies in a spatial development strategy are assessed against the same criteria as strategic policies in a local plan;
- b) amend the ‘positively prepared’ soundness test to emphasise the role of plans in meeting objectively assessed needs for housing;
- c) strengthen the ‘effective’ soundness test to emphasise effective joint working, as evidenced by the Statement of Common Ground which enables authorities to record where agreements have and have not been reached; and
- d) make clear that the tests will be applied proportionately to local policies according to the extent to which they accord with strategic policies.

Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

We agree with the National Trust’s view that it is unclear if an LPA can legitimately make a case that it is impossible to deliver the number of homes calculated under the standard housing need methodology, and if so, whether the presumption in favour of sustainable development will apply. If the standard housing methodology figures become a tool for developers to use at appeals for speculative sites, they risk undermining the strategic planning process. This could prove particularly problematic if developers argue that unmet housing need constitutes the ‘exceptional circumstances’ required to approve development in designated areas.

We regret the loss of old paragraphs 169 and 170 which contain important points as follows:

- ‘The need for an up to date evidence base about the historic environment in their area...’ this is essential for the compilation of a sound plan;
- The reference to the potential for previously unidentified heritage assets to be present – this is one of the very few policies that acknowledges the potential for previously archaeological sites to be identified during the planning process, and is important to ensure that such potential is investigated during the plan making process. Late identification of heritage assets can compromise the viability of proposed developments at a late stage;
- the requirement for LAs to have a historic environment record – this one is of high importance.

Some of this text has been put into the Glossary or the NPPG, but it's of such importance that we would ask for its reinstatement in the main body of the NPPF where it is clearer to the document user.

Q6 Do you have any other comments on the text of Chapter 3?

Paragraph 24 which states that strategic plans should indicate broad locations for development on a map, should be amended to ensure that allocation has considered the impact on the historic environment.

Chapter 4 Decision-making

The revised text reflects these previous announcements or consultation proposals:

Paragraph 58 takes forward the reforms to viability assessment proposed in the Planning for the right homes in the right places consultation. The policy makes clear that where a proposed development accords with all relevant policies in the plan there is no need for a viability assessment to accompany the planning application. This should speed up the decision making process by reducing scope for delay caused by negotiation of developer contributions. The policy also expects all viability assessments to reflect the Government's recommended approach which is set out in draft revised national planning guidance published alongside the Framework.

Q7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

In support of the revised Framework, draft national planning guidance says that plans should define circumstances in which viability assessment is carried out at the decision making stage. The guidance gives some illustrative examples of circumstances which plan makers could identify as requiring viability assessment at the decision making stage.

Q8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

The guidance says plans can set out when and how review mechanisms may be used to amend developer contributions to help account for significant changes in costs and values and provide certainty through economic cycles. Plans can set out how review mechanisms will be used to identify any significant increase in the overall value that occurs over the lifetime of a large or multi-phased development, and how that increase in value will be apportioned between the local authority and the developer to provide more certainty for delivering supporting infrastructure.

Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

The revised text also proposes these policy changes:

An additional reference to non-statutory and statutory consultees has been included in paragraph 41 to highlight their role and encourage local planning authorities to refer applicants to them for pre-application advice where appropriate. Similarly, text on the need for discussions about infrastructure and affordable housing at the pre application stage has been added to paragraph 42 to encourage early engagement on these issues.

Changes at paragraph 45 reflect the fact that the local information requirements do not apply to applications for permission in principle, and that the local list of information requirements applicable to applications made

on or after 31 July 2013 must have been published (or republished) during the two years before the application is made.

Changes at paragraph 46 have been made to more accurately reflect the requirements of the Seveso Directive.

New paragraphs 48 to 51 set out the weight that may be given to policies in emerging plans (previously in Annex 1), and puts into policy the approach to 'prematurity' previously contained in national planning guidance.

Q10 Do you have any comments on the text of Chapter 4?

Para 39 should be amended to require that local authorities work proactively not only with 'developers' but 'developers and statutory consultees and local communities' to secure developments that will improve the environmental conditions of the area. This will help ensure that planning departments are not too developer focused.

The text in para 41 encouraging developers to engage in pre-application consultation with communities and statutory and non-statutory consultees is to be welcomed. However, we suggest that the wording 'where they think this would be beneficial' is removed to help encourage more pre-application consultation with third parties regardless of the LPA's view.

Para 46 should be amended to state that local authorities should consult heritage statutory consultees where there is an element of demolition. This chimes with para 42 which aims to resolve issues at a pre-application stage. While the consultation document suggests that this paragraph has been added to comply with the Seveso Directive, many local authorities are not sending heritage statutory consultees notifications of relevant applications.

Para 54 on Article 4 directions should be amended to explicitly state that permitted development rights may be removed for locally listed buildings. Some LPAs are reluctant to remove permitted development demolition rights for locally listed buildings or non designated heritage assets for fear of challenge. An explicit mention in paragraph 54 could see these buildings better protected. The fact that paragraph 54 explicitly mentions the demolition of 'local facilities' may mean that offering facilities may be seen as a requirement for an article 4 direction.

It is an ongoing concern of the Alliance that there is no mechanism for local authorities to challenge permitted development demolition of historic buildings. The best buildings in a town may be key to its identity and of very high quality but not nationally significant enough to justify listing and can be demolished if they are outside a conservation area. Policy statements on removing these rights where appropriate need to be made stronger to ensure that buildings of local importance are less likely to be lost. Some developers have demolished buildings under permitted development rights where they have been refused planning permission – frustrating the will of local communities.

As we set out in our previous consultation response on improving the use of planning conditions. The ability to impose planning conditions relating to heritage should have been retained and should be one of the prescribed reasons in 100ZA(4-6). In the absence of this it will be essential that there is clear guidance from government on the future use of conditions. This should make it clear that pre-commencement planning conditions can be used when essential to enable both the protection of the heritage and the facilitation of development which, without the condition, would have been unacceptable.

Enforcement in para 59 is a key problem in relation to the historic environment. Local authorities do not have the resources to take enforcement action. Therefore, action which damages the historic environment can be taken with little chance of enforcement action being taken. The historic

environment consists of heritage assets that are irreplaceable. Para 59 unhelpfully states that enforcement action is discretionary. This seems to further weaken the incentive to play by the rules if there is little chance enforcement action will be taken.

Chapter 5 Delivering a wide choice of high quality homes

The revised text reflects these previous announcements or consultation proposals:

This chapter implements a number of proposals from the previous housing White Paper and Planning for the right homes in the right places consultations.

Paragraph 61 introduces a new standard method for **the calculation of local housing need**. The details of the standard method are set out in draft revised national planning guidance published alongside the Framework.

Paragraph 62 makes clear that there should be clear policies for addressing the housing requirements of groups with particular needs. Students and travellers have been added to the list, as have people who rent their homes to reflect the outcomes of the Planning and Affordable Housing for Build to Rent consultation in February 2017.

Paragraphs 63-64 reflect the Written Ministerial Statement of 28 November 2014 on affordable housing contributions.

Paragraph 65 implements the housing White Paper proposal that at least 10% of homes on major sites should be available for affordable home ownership, with certain exemptions.

Paragraphs 66-67 introduce an expectation that local authorities should provide a housing requirement figure for designated neighbourhood areas.

Paragraphs 69-70 take forward the housing White Paper proposals to encourage greater use of small sites, to help diversify opportunities for builders and increase the number of schemes that can be built-out quickly. Following Budget 2017 the draft text proposes that local planning authorities should ensure that at least 20% of the sites allocated for housing in their plans are of half a hectare or less. However we remain open to views as to whether this is the most appropriate threshold for ensuring a good supply of small sites while not slowing plan production, or whether a broader approach should be taken (which could include measures to promote more medium sized sites as well). **Therefore we are interested in whether:**

a) the proportion of allocations should relate to the number of sites allocated as currently proposed, the number of sites identified in these and other ways (such as through brownfield registers), or the overall number of homes to be provided for;

b) the most appropriate size threshold to ensure that a suitable mix of small and medium sized sites comes forward; and

c) the most appropriate percentages to apply.

Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

The most appropriate way to ensure a supply of small sites is to work with developers to encourage the subdivision of large sites. Smaller sites will otherwise likely be found in urban areas where the potential impact on heritage assets is greater. It is likely therefore that these sites would pose greater challenges and put off all but the most experienced of small developers. Giving small developers sectors of larger sites would seem to better help them offer alternative choices of new residential developments.

Paragraphs 74(c), 75 and 77 set out the policy consequences of the new Housing Delivery Test. Footnote 29 proposes that from 2020, the presumption in favour of sustainable development will

apply where delivery is below 75% of the authority's housing requirement. The proposed threshold of 75% was announced at Budget 2017. The local government finance settlement technical consultation in September 2017 on New Homes Bonus revision, set out that the Government intends to go further in 2019-20. This could include linking payment of the bonus to the housing delivery test or the standard approach to local housing need. We would consult on any further changes to the bonus before proposed implementation in 2019-20.

Q12 Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

We object to the automatic application of the presumption in favour of sustainable development for schemes which include housing where delivery is below 75% of the housing required from 2020 as this again refers to footnote 7 to give reasons for not applying the presumption. Due to this footnote changing to an exhaustive list, from the current list of examples, it excludes many heritage protection policies such as world heritage sites and conservation areas. As a result, heritage will be damaged by the application of this policy in such areas.

As the National Trust has pointed out, there is little incentive for developers to progress difficult or complex brownfield sites requiring some regeneration if an LPA is likely to fail the housing delivery test a few months later, triggering the presumption in favour of sustainable development. This creates an opportunity for developers to then bring forward more attractive greenfield sites.

Paragraph 76 takes forward the housing White Paper proposal that the 5 year land supply position should be capable of being agreed for a one year period. The policy proposes that this should be demonstrated either through a recently adopted plan, or through a subsequent annual position statement. The minimum 10% buffer required in order for local authorities to take advantage of this policy is set out in paragraph 74(b).

Paragraph 78 provides that authorities should consider imposing a planning condition to bring forward development within two years, except where a shorter timescale could hinder the viability or deliverability of a scheme. It also encourages local planning authorities to consider why major sites have not been built out when considering subsequent planning applications.

The revised text also proposes these policy changes:

Paragraph 72 reflects the announcement at Budget 2017 that the Government would consult on allowing the development of exception sites to provide entry-level homes suitable for first-time buyers, where a local need is identified.

Q13 Do you agree with the new policy on exception sites for entry-level homes?

No. The current exemption is far too widely drafted - it could be argued that almost any type of development is suitable for some first-time buyers. It should at the very least be development 'restricted to' first time buyers. Currently as drafted this could lead to a large amount of development. 'Exception' sites should be strictly defined and remain exceptional.

Para 72 b) requires that such development should not compromise 'areas or assets of particular importance in this Framework'. However, footnote 27 again limits this to those policies set out in footnote 7. Thus, those policies not listed, such as conservation areas and world heritage sites could have entry level exception sites 'compromise' their protection.

Q14 Do you have any other comments on the text of Chapter 5?

Para 61 states that strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance. As the alliance pointed out in a previous consultation response the method adopted by the Government has serious flaw and will set artificially high targets that will harm heritage.

Para 61 should be amended to state that heritage impact is an exceptional circumstance justifying an alternative approach. If an area contains multiple world heritage sites and conservation areas then it should be able to deviate from this approach or example.

Para 64 states that 'where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced'. Footnote 22 to this states that 'this does not apply to vacant buildings which have been abandoned'. There is no definition of abandoned and it seems odd to exclude abandoned buildings if the intention is to support the reuse of brownfield land as stated in para 64. This section of footnote 22 relating to abandoned buildings should be removed.

We welcome the exception at para 81 b) allowing the appropriate development of isolated homes in the countryside.

Chapter 6 Building a strong, competitive economy

The revised text incorporates these new policy proposals:

Paragraphs 82-83 make more explicit the importance of supporting business growth and improved productivity, in a way that links to key aspects of the Government's Industrial Strategy.

The rural economy section in the existing Framework has been brought within this chapter, with new policy at paragraph 85 on the potential need for planning policies and decisions to accommodate sites for local business and community needs outside existing settlements, in ways which minimise the impact of such sites and exploits opportunities to make such locations more sustainable. This approach reflects the fact that the availability of sites to accommodate appropriate development in rural areas may be limited, particularly within existing settlements.

Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

These paragraphs could be amended to recognise the importance of heritage assets in creating a sense of place as described in the industrial strategy.

Para 84 a) on supporting growth and expansion of businesses 'through conversion of existing buildings' this should be amended so that this is subject to other heritage policies which would prevent conversion.

Q16 Do you have any other comments on the text of chapter 6?

Chapter 7 Ensuring the vitality of town centres

The revised text incorporates these new policy proposals:

Paragraph 86d clarifies that in allocating sites to meet the need for town centre uses, policies should look at least ten years ahead (though not necessarily over the full plan period, if longer, given uncertainty in forecasting long-term retail trends). It also provides that town centre boundaries should be kept under review

so that identified needs for town centre uses can be accommodated, recognising that it is difficult for retail forecasts to look beyond ten years. Where town centres are in decline, the text (at paragraph 86g) has been expanded to provide a clearer policy approach.

Changes have also been made to policy on planning applications for town centre uses.

Paragraph 87 amends the 'sequential approach' to planning applications, so that out of centre sites should be considered only if suitable town centre or edge of centre sites are unavailable or not expected to become available within a reasonable period. This addition makes clear that suitable town centre or edge of centre sites do not have to be available immediately, in order to avoid prejudicing town centre or edge of centre sites that are in the pipeline but not available straight away.

Paragraph 90 removes the expectation that office developments outside town centres are subject to an impact assessment, where the development is over a certain floorspace threshold. This change has been made as the Government considers that the approach to offices is covered sufficiently by the sequential approach, and is aware that there is no generally accepted or used method for assessing office impacts.

Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Para 86 should be amended to explicitly promote residential uses above existing shops subject to other heritage considerations. This will ensure that historic buildings are better maintained and residents will support town centres.

Q18 Do you have any other comments on the text of Chapter 7?

We strongly support the preference set out in para 87 that main town centre uses should be in the town centre. This will support the continued use and maintenance of historic town centre buildings.

Chapter 8 Promoting healthy and safe communities

The revised text reflects these previous announcements or consultation proposals:

Paragraph 94 reflects the housing White Paper proposal that policies and decisions should consider the social and economic benefits of estate regeneration, and that authorities should use their planning powers to help deliver estate regeneration to a high standard.

The revised text also proposes these policy changes:

Paragraph 92 gives additional recognition to the role that planning can play in promoting social interaction and healthy lifestyles. Paragraph 96 introduces new policy on the ways in which planning policies and decisions can help to counter malicious or natural threats, especially in crowded places and should take into account wider defence and security requirements.

Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

Studies have shown that the historic environment makes a positive contribution to peoples feeling of wellbeing and improves mental health. The retention of heritage assets, both individual sites and areas, where possible should therefore be captured within paragraph 92.

Q20 Do you have any other comments the text of Chapter 8?

Paragraph 98 should be amended to include 'assets of community value' for example pub gardens used by communities in urban areas. The test in 98 a) of allowing development where open space or recreational buildings are 'surplus to requirement' should be clarified. For example, if there are multiple pubs in an area that does not necessarily mean that they are surplus to requirements.

Further the assessment should be independent. This should be achieved by having the local authority commission the assessment at the cost of the applicant. Otherwise those carrying out the assessment will have a financial relationship with the applicant meaning that their assessments are not truly independent.

Para 102 should be amended to include land which has been designated as an asset of community value.

Chapter 9 Promoting sustainable transport

The revised text reflects these previous announcements or consultation proposals:

Paragraph 103b reflects the housing White Paper proposal that authorities should be expected to identify additional development opportunities arising from strategic infrastructure investment.

Paragraph 107 incorporates the Written Ministerial Statement of 25 March 2015 on parking standards.

The revised text also proposes these policy changes:

This chapter has been substantially revised to improve its structure. As part of this, a new introduction explains the variety of ways in which transport should be considered as part of the planning process, so that transport issues are recognised and addressed as fully as possible.

Paragraph 105f sets out new policy to recognise the importance of maintaining a national network of general aviation facilities.

Policy on assessing the transport impact of proposals (now at paragraphs 108-110) has been amended to refer to highway safety as well as capacity and congestion in order to make it clear that we expect that designs should prioritise pedestrian and cycle movements, followed by access to high quality public transport (so far as possible) as well as to reflect the importance of creating well-designed places.

Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?

Q23 Do you have any other comments on the text of Chapter 9?

Paragraph 104 which states that significant development should be focused on sustainable locations should be edited to make clear that protections relating to the historic and natural environment still apply. As in the UK most transport infrastructure is historic, the buildings surrounding it will be historic and therefore the impact of 'significant development' in these areas on the historic environment should be considered.

Chapter 10 Supporting high quality communications

The revised text reflects these previous announcements or consultation proposals:

Paragraph 112 indicates that plan policies should set out expectations in relation to the delivery of high quality digital infrastructure, which provides access to services from a range of providers. This reflects Government's support for the further expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections, and the role that planning can play in this alongside other regulatory frameworks.

Q24 Do you have any comments on the text of Chapter 10?

We support sharing infrastructure (115c) to reduce the need for new masts which could negatively impact the historic environment. Para 114 should be amended to ensure that authorities have considered controlling small items of infrastructure such as broadband cabinets in conservation areas and in the setting of historic buildings. While accepting that much digital infrastructure is covered by permitted development and Codes of Practice we are concerned that these are not enforced.

Chapter 11 Making effective use of land

The revised text reflects these previous announcements or consultation proposals:

This chapter combines existing policy with a number of proposals from the housing White Paper or and previous consultations. The housing White Paper proposals include:

- a) expecting plans to have a clear strategy for using land (paragraph 117);
- b) making more intensive use of existing land and buildings (paragraph 118d-e);
- c) avoiding building homes at low densities in areas of high demand, and pursuing higher density housing in accessible locations, while reflecting the character and infrastructure capacity of each area (paragraph 123); and
- d) taking a flexible approach to policies or guidance that could inhibit making effective use of a site – although the proposed policy now refers specifically to daylight and sunlight issues, as these are considered to be the most relevant consideration in this context (paragraph 123c).

The text also reflects the White Paper proposal to give great weight to the value of using suitable brownfield land within settlements for homes (paragraph 118c) – although to give further emphasis this has been amended to substantial weight – and reflects the Written Ministerial Statement of 5 February 2018 on building upwards (paragraph 118e).

The revised text also proposes these policy changes:

Budget 2017 set out a number of additional proposals to make more land available for housing, especially in areas of high demand, a number of which are reflected in this chapter. These changes include:

- a) making more effective use of empty space above shops – with the proposed policy widening this to refer to other situations where under-utilised land and buildings could be used more effectively (paragraph 118d);
- b) reallocating land where there proposal that design should not be used as a reason to object to development where there is no reasonable prospect of an application coming forward for the allocated use – with the proposed policy also setting out how alternative uses should be considered ahead of a plan review taking place (paragraph 120);
- c) making it easier to convert retail and employment land to housing where this would be a more effective use (paragraph 121); and
- d) expecting minimum density standards to be used in town and city centres and around transport hubs – the proposed policy (paragraph 123a) applying this principle to areas where there is a shortage of land for meeting identified development needs, extending the principle to town centres, and indicating that standards should seek a significant uplift in prevailing densities, unless this would be inappropriate. Paragraph 123b also proposes that minimum densities should be considered in other parts of the plan area.

Building on these changes, paragraph 123c also proposes that local planning authorities should refuse applications which they consider fail to make effective use of land, in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.

Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

We welcome footnote 35 which qualifies ‘as much use as possible of brownfield land’ where this would conflict with other policies in this framework. It is welcome that this is not limited to those policies in footnote 7 as elsewhere as brownfield land is likely to contain many undesignated heritage assets which should be incorporated into development where possible.

A clear statement that brownfield redevelopment should seek to retain existing structures where these are of heritage interest wherever possible to create a sense of place and local identity would be welcomed, as would an acknowledgement that such land often contains archaeological interest. The archaeological interest needs to be investigated and assessed before a decision is made on the principle of development.

We are concerned that Para 118 d) does not set out a definition of under-utilised land and buildings as places where development should be supported. Without a definition almost any use of land or buildings could be said to be under-utilised as a more intensive use could always be found. It is concerning that there is no footnote referring to where this might be limited by reference to other policies such as heritage protection within the NPPF. However, it is interesting that footnote 36 states ‘supported by the use of compulsory purchase powers where appropriate’. Clarification would be useful on whether such powers are appropriate for individual sites/ buildings. Heritage buildings can be left neglected and empty by owners but there is a reluctance by local authorities to use repairs notices or in the extreme compulsory purchase powers which could be used to prevent them falling into decay and needing expensive work to bring back to use. Multiple authorities have taken the view that compulsory purchase can only be justified where it is a large scheme rather than individual sites.

Para 118 e) on building up, again does not have reference to being constrained by other NPPF policies such as those for heritage. Does that mean that building up will be allowed on listed buildings if consistent with the height and form of neighbouring buildings?

The Heritage Alliance also has serious concerns about the policy of building up without sufficient investigation being done into whether a building’s foundations can take the increased load safely. It could create a backdoor way of replacing buildings but starting on the upward development route under permitted development then arguing that the existing building cannot take the additional load and has to be replaced.

Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Para 122 d) on policies that make efficient use of land, should explicitly refer to the historic environment and heritage assets and their settings as factors to take into account.

A definition of what low density is should be given. Increasing density at transport hubs should not be encouraged where the transport hubs are already at full capacity. Transport hubs will often be at the core of a historic town and within a sensitive setting of heritage assets so while it is useful for 123 c) to state ‘unless it can be shown that there are strong reasons why this would be inappropriate’. It would be useful to have explicit reference to heritage and an example of what constitutes strong reasons to avoid legal dispute.

The Alliance is concerned about para 123 c) that authorities should take a flexible approach to guidance on daylight. Many properties affected by increased density will be heritage assets. They

should not be plunged into permanent shadow by new development. There NPPF should ensure quality homes which do not undermine existing quality of life for homes in heritage assets.

To increase density the Alliance would welcome bringing the upper floors of buildings, above shops and commercial premises back into use. However, the Government needs to explore what it can do to encourage commercial property investors to let to residential tenants, which is often the problem. 'Living over the shop' was piloted 20 years ago and the lessons learnt have been published and are there to be used to encourage commercial property investors. The present climate may offer more encouragement.

Q27 Do you have any other comments on the text of Chapter 11?

To increase density the Alliance would welcome bringing buildings above shops back into use in 118 (d). However, the Government needs to explore what it can do to encourage commercial property investors to let to residential tenants, which is often the problem. What was termed 'Living over the shop' does offer an approach to dealing with empty upper floors thus helping to secure shopping streets, adding to density and bringing back into full use many traditional buildings.

Chapter 12 Achieving well-designed places

The revised text reflects these previous announcements or consultation proposals: Paragraphs 124-125 reflect the White Paper proposals that plans should, at the most appropriate level, set out a clear design vision and expectations, supported by visual tools such as design guides and codes. The revised text also reflects the White Paper proposal that widely accepted assessment frameworks such as Building for Life should form part of the 'toolkit' used by authorities in assessing design (paragraph 128).

Additional emphasis has been placed on the importance of pre-application discussions in securing good design (paragraph 127). The text also implements the White Paper 20 proposal that design should not be used as a reason to object to development where the scheme complies with local policies (paragraph 129).

The revised text also proposes these policy changes:

As a consequence of the above, the text at paragraph 130 has been revised to make clear that "outstanding or innovative designs" should not be given great weight where they are in conflict with local design policies, or would not be sensitive to their surroundings.

Policy on advertisements has been shortened; the text from the existing Framework which has been deleted will be moved to guidance.

Q28 Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

The Alliance is concerned that para 129 - that design is not a reason to object to an application where a scheme complies with local policies - will not allow sufficient flexibility. Local policies cannot consider every situation. Therefore, there will be situations where although complying with the design policy the design is not appropriate. For example, it harms the setting of a Grade I listed building. At least para 129 should be edited so that other policies in the NPPF provide a reason for rejection. We are also concerned that the present design section refers less to local distinctiveness and character of a place.

Q29 Do you have any other comments on the text of Chapter 12?

There is a move towards backlight digital changing advertising. This is especially distracting in a historic environment and at night time and should be referred to explicitly.

Chapter 13 Protecting the Green Belt

The revised text reflects these previous announcements or consultation proposals:

The Framework maintains the strong protections of the Green Belt and retains a high bar before Green Belt land may be released. Paragraphs 136-137 implement the housing White Paper proposals that certain criteria should be satisfied before 'exceptional circumstances' are used to change Green Belt boundaries, and that where Green Belt is released first consideration should be given to land which has been previously-developed or which is well-served by public transport.

The housing White Paper also proposed a number of other changes to Green Belt policy that are reflected in the chapter – to:

- a) make clear that neighbourhood plans may amend detailed Green Belt boundaries, once the need for a Green Belt change has been demonstrated (paragraph 135);
- b) expect policies to set out how the impact of removing land from the Green Belt can be offset (paragraph 137); and
- c) provide that facilities for existing cemeteries, and development brought forward under a Neighbourhood Development Order, should not be regarded as 'inappropriate development' (paragraphs 144b and 145f).

The revised text also proposes these policy changes:

Paragraph 144g reflects the proposal in the December 2015 consultation to allow brownfield land in the Green Belt to be used for affordable housing, where there is no substantial harm to openness. The proposal broadens the previous proposal to allow brownfield land in the Green Belt to be used for Starter Homes so that, subject to Green Belt protections, all residential developments that contribute to meeting an identified local affordable housing need can use brownfield land, allowing local planning authorities to use this land more flexibly in response to local circumstances.

Current policy allows buildings in the Green Belt in association with uses such as outdoor sport and cemeteries, but does not allow material changes in the use of land for such purposes, even if there would be no harm to openness. To allow a more consistent approach, paragraph 145e provides that material changes of use that preserve openness are not inappropriate development in the Green Belt. In addition, paragraphs 144b and 144f make clear that facilities for burial grounds and allotments, and rural exception sites, are not inappropriate development.

Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

The proposed development which is not inappropriate in the green belt set out at para 145 such as large scale mineral extraction and engineering operations have the potential to cause substantial harm to the surrounding historic environment and should not be considered.

Q31 Do you have any other comments on the text of Chapter 13?

We value the Green Belt's role in preserving the setting of historic towns.

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

The revised text reflects these previous announcements or consultation proposals:

This chapter carries forward a number of housing White Paper proposals – to:

- a) refer to the risk of overheating from rising temperatures and makes clear that planning policies should support measures to ensure the future resilience of communities and infrastructure to climate change (paragraph 148);
- b) incorporate the Written Ministerial Statement of 18 June 2015 on wind energy development (paragraph 153b and its accompanying footnote);
- c) clarify that plans should have regard to the cumulative impacts of flood risk, rather than just to or from individual development sites (paragraph 155); and
- d) clarify policy on the exception test that may need to be applied when considering development in locations at risk of flooding (paragraphs 158-162).

Paragraph 149b reflects that local planning authorities are tied to national technical standards, and there is limited scope to extend local ambition. The Clean Growth Strategy sets out the Government's plans for consulting on energy performance standards in Building Regulations later this year. Local authorities can play an important role in improving the energy performance of buildings, in line with the ambitions of the Clean Growth Strategy, and this will be considered further as the Government develops its consultation proposals.

A new paragraph (163) has been added to incorporate the Written Ministerial Statement of 18 December 2014 on sustainable drainage systems (SuDS) in major developments.

Q32 Do you have any comments on the text of Chapter 14?

The Alliance welcomes the mention in para 147 on the conversion of existing buildings but this should be altered to state conversion and retention of existing buildings.

There should be better capturing of the climate change impact of demolishing existing buildings and recycling the materials from them.

There are increasing moves to retrofit historic buildings with inappropriate solid wall insulation. The NPPF should state that this will affect amenity value and should only be considered where all energy efficiency measures have been taken.

Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

Para 149 should reflect that fact that demolishing and replacing existing buildings has a significant environmental impact and should be avoided. Explicit recognition should be given to that fact that not demolishing existing buildings on the site and re-using them will be one of the best ways to save greenhouse gas emission as the existing materials will not need to be removed from site and processed and resources and energy will not be needed to create new materials and transport them to site.

Chapter 15 Conserving and enhancing the natural environment

The revised text reflects these previous announcements or consultation proposals:

Paragraph 180 implements the housing White Paper proposal, and the announcement made on 18 January 2018, to clarify that the 'agent of change' (or applicant) should be responsible for mitigating the impact on their scheme of potential nuisance arising from existing development, such as live music venues and church bells.

The revised text also proposes these policy changes:

This chapter has been updated to align with the 25 Year Environment Plan. It includes additional policy on strengthening existing networks of habitats (paragraph 169) and taking air quality fully into account (paragraph 180), clarifies that development within National Parks and Areas of Outstanding Natural Beauty should be limited (paragraph 170); and also clarifies the implications for policy on areas defined as Heritage Coast (paragraph 171).

Paragraph 173c of the revised Framework strengthens protection for ancient woodland and other irreplaceable habitats, by making clear that development resulting in their loss or deterioration should be wholly exceptional, and maintains a high level of protection for individual aged or veteran trees found outside these areas. This policy strikes a balance between protecting these important natural assets, while allowing development to proceed in the very limited circumstances where it would have significant public benefits, but we welcome views on this during the consultation period. In particular, we are interested in views on how best to protect aged and veteran trees without preventing those important development schemes which are in the public interest.

Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

While we recognise the importance of ancient woodland and aged and veteran trees their inclusion in footnote 7 has given them a higher level of protection than world heritage sites. This should be rectified by including important heritage policies such as world heritage sites and conservation areas, and also Registered Parks & Gardens and Battlefields in foot note 7 and returning it to a list of examples.

Q35 Do you have any other comments on the text of Chapter 15?

The title 'Conserving and enhancing the natural environment' is somewhat misleading when para 168 talks about 'the local environment' which could include the historic environment since para 169 goes on to talk about amenity value. It would be helpful to add a sentence that says when referring to 'the local environment' what here refers to the natural environment also should include consideration of the historic environment.

Para 168 b) should be amended to include mention of rural heritage which has been mentioned throughout the 25 year environment plan. We suggest 'recognising the heritage, intrinsic character and beauty of the countryside'

Paragraph 180 Which clarifies that the 'agent of change' (or applicant) should be responsible for mitigating the impact on their scheme of potential nuisance arising from existing development, such as live music venues and church bells. Is a somewhat odd fit in this chapter with the current 'natural environment' title. Many such venues will be historic buildings, so while we welcome this extra protection for their existing uses, we question whether this may be a better fit in chapter 16 on the historic environment.

Para 170 refers to allowing major development in national parks etc... where it 'is in the public interest'. It is vital that a definition of public interest is provided to prevent the historic environment/ cultural heritage in these areas being harmed.

The habitats and bio diversity section should be amended to encourage new development to incorporate special bricks etc... to provide homes for bats. Lots of work is being done in historic churches to deal with the problems caused by bats. The pressure could be taken off historic

buildings as habitats if new buildings were designed with the ability to provide homes for bats swallows etc... See for example: <https://www.nhbs.com/bat-brick>

Chapter 16 Conserving and enhancing the historic environment

The revised text proposes this change:

Paragraph 182 has been revised to clarify that World Heritage Sites are recognised internationally for their Outstanding Universal Value and that this forms part of their significance and should be taken into account.

Paragraph 189 has been revised to clarify that when considering the impact of a proposed development on a designated heritage asset, decision-makers should give great weight to the asset's conservation irrespective of whether the potential harm to its significance amounts to 'less than substantial harm' or 'substantial harm or total loss' of significance.

Q36 Do you have any comments on the text of Chapter 16?

The Alliance welcomes the retention of the chapter on the historic environment but considers that, taken together, the changes to the NPPF, especially the changes to the presumption in favour of sustainable development and footnote 7 will significantly weaken protection for the historic environment. Footnote 55 does not really help in ameliorating this. We are also concerned with some reduction in the Glossary texts.

The Alliance acknowledges that this is not the Government's intention but the changes to wording are likely to be read by local planning authorities as having this effect. Especially in a context of much reduced local authority staffing and loss of historic environment expertise. The language of the NPPF must be crystal clear, currently many terms are undefined which will lead to uncertainty in making decisions with local authorities erring on allowing development even where heritage will be harmed to avoid developers' appeals which will cost them money and to meet the Government's flawed housing need targets. At the very least footnote 7 must be kept as a list of examples rather than an exhaustive list to ameliorate this effect.

We welcome the amendment of paragraph 182 to recognise the outstanding universal value of world heritage sites. Therefore, it is all the more surprising that they are not included in the list of policies in footnote 7 as providing a clear reason for refusing development yet veteran trees which have no international recognition are listed.

It is important to amend Paragraph 185 to set out much more clearly the 'staged approach' to changes to heritage assets, under which proportionate initial analysis of significance and setting takes place before proposals for change are developed, and subsequent applications are then accompanied by proportionate but sufficient analysis (not just description) of significance, setting, and impact. This would lead to better understanding, better proposals and applications, better outcomes, and less need for local authority resource.

We welcome the changes to para 189 to make clear that great weight should be given to designated heritage assets conservation even where potential harm to significance amounts to less than substantial harm.

The public benefit referred to at para 192 for the purposes of weighing against less than substantial harm should be clearly defined. It should make clear that, for example, simply providing employment constructing the proposal would not be sufficient benefit.

The chapter should reinstate the old paragraphs 169 and 170 from the Plan-making chapter which set out a policy requirement to have an up to date requirement for authorities to maintain or have access to a historic environment record. This has been put into the glossary which is a clear downgrading of the importance of such services and will be taken to be by cash strapped local authorities meaning more historic environment expertise is lost.

The chapter should include a requirement for local authorities to have a local list of important local heritage assets, which though not nationally important enough to justify listing, are very important for local communities.

Para 193 should be amended to make clear that local authorities are able to refuse applications which cause the total loss of non designated heritage assets such as buildings on the local list. We are aware of local authorities believing that this is not permissible for non designated heritage assets such as this Victorian Cork Warehouse in Liverpool:

<https://www.liverpoolecho.co.uk/news/controversial-liverpool-demolition-plans-approved-12215611>

We note that Para 194 that Local authorities should not permit the loss of a heritage asset without taking reasonable steps to ensure new development will proceed is severely undermined by permitted development demolition of such assets outside conservation areas under Part 11 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. This demolition which is permitted development under Part 11 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 should be removed at the earliest legislative opportunity.

Paragraph 139 referring to non-designated heritage assets of demonstrably equivalent significance to scheduled monuments has been moved to a footnote. Given that most archaeological sites are not scheduled but many will be of national importance this policy should be reinstated in the main text. Demoted to a footnote, there is a danger that it will be afforded less consideration and weight in decision making.

Chapter 17 Facilitating the sustainable use of minerals

The revised text proposes these policy changes:

This chapter has been shortened slightly, the intention being to incorporate the deleted text in guidance. Additional text on on-shore oil and gas development is included at paragraph 204, which builds on the Written Ministerial Statement of 16 September 2015 to provide clear policy on the issues to be taken into account in planning for and making decisions on this form of development.

As planning for minerals is the responsibility of minerals planning authorities, the Government is interested in views on whether the revised planning policy for minerals that we are consulting on would sit better in a separate document, alongside the Government's planning policy for waste. In addition, we would welcome views on whether the use of national and sub-national guidelines on future aggregates provision remains a relevant approach in establishing the supply of aggregates to be planned for locally.

Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?

Q38 Do you think that planning policy on minerals would be better contained in a separate document?

Q39 Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

Transitional arrangements and consequential changes

The revised text proposes these policy changes:

From the date of publication of the current Framework, it provided that full weight should be given to plan policies adopted prior to the Framework being published and coming into effect, even when there was a limited degree of conflict with the Framework. We do not propose to repeat this particular transitional arrangement for the revised Framework, as we do not consider that the extent of the revisions to national policy justify it.

Transitional arrangements are also proposed which will apply the previous Framework to the examining of plans which are submitted on or before the date which is six months after the date of the publication of the new Framework.

We do not propose to take forward transitional arrangements for the amended 'positively prepared' and 'effective' soundness tests, nor for the introduction of statements of common ground. Although transitional arrangements were consulted on in the Planning for the right homes in the right places consultation, the introduction of the statement of common ground as a way of evidencing joint working and the duty to cooperate is not a significant change in practice, and so we do not consider that it requires a transitional period.

The housing White Paper set out transitional arrangements for the **application of the presumption in favour of sustainable development as applied through the consequences of the Housing Delivery Test. These step the application from delivery** of less than 25% of the housing requirement in 2018 and 45% in 2019. From 2020 it will be introduced from 75%, as announced at Budget 2017.

To reflect the policy on neighbourhood plans set out in the Written Ministerial Statement of 12 December 2016, neighbourhood plans which are more than two years old will also be covered by the policy at paragraph 14 of the revised Framework until 12 December 2018.

Q40 Do you agree with the proposed transitional arrangements?

We are concerned at what planning freedoms mentioned in para 213 could mean for the historic environment. We would request that the Government work with the heritage sector in any further development of these proposals to avoid further unintended consequential loss of protection for the historic environment.

The National Planning Policy Framework needs to be read in conjunction with the Planning Policy for Traveller Sites and the Planning Policy for Waste. The Government is considering whether any consequential changes should be made to these documents as a result of the proposed changes to the Framework set out in this document.

Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

This could consider amending appendix A to more clearly state that maintenance of historic materials will create less waste and should be considered first. This should recognise that traditional materials such as wood can be more sustainable than plastic windows etc... which is often not recycled in domestic building work.

Glossary

The glossary has been amended to reflect changes throughout the Framework.

Q43 Do you have any comments on the glossary?

The definition of historic environment should be reinstated. It is difficult to see why this would be removed since it set out clearly the nature of the resource and is therefore of assistance to those using the NPPF.

The lost second half of the existing definition of archaeological interest, on archaeological interest as a primary source, should be put into the main text of the historic environment chapter as an explanation of policy.

The previous definition of historic environment record should be reinstated to make clear that this is a service with expert advice, and the text should be returned to the main body of the NPPF. Relegating it to the Glossary will give the impression that it is not part of policy.