

Proposed reforms to the National Planning Policy Framework and other changes to the planning system (MHCLG Consultation)

The Heritage Alliance

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About Us

[The Heritage Alliance](#) is England's largest coalition of independent heritage interests, bringing together over 200 organisations, which contain over 7 million members, volunteers, trustees, and staff. The Heritage Alliance sits on the Government's Heritage Council, and on the heritage sector's Historic Environment Forum. The vast majority of England's historic environment is owned, managed and cared for by Heritage Alliance members. The Heritage Alliance's specialist Spatial Planning Advocacy Group has fed into this response.

General Comments

Heritage is one of our greatest national assets, breathing life into our towns, cities, coasts, and countryside and creating places that people want to live and invest in. Heritage protection systems are not a constraint, but an enabler for responsible and characterful growth in the right places. We are supportive of government aims to deliver much-needed housing and green energy infrastructure to support our national development and growth. Heritage has a key role to play in this agenda by enabling characterful and sustainable developments which make good use of our existing buildings. Historic England estimates that 670,000 new homes could be delivered by adapting and regenerating existing buildings – over 40% of the government's housing target.

However, the planning system has experienced a period of instability and change since 2020, with successive consultations and amendments putting Local Planning Authorities in an insecure and uncertain position. Certain provisions of the Levelling Up Act which were welcomed by the sector are still unenacted, such as a government response to the consultation on removing demolition permitted development rights and the implementation of statutory Historic Environment Records. Planning authorities and statutory consultees have both seen their funding decline during this time, and now need investment in resource and capacity to regain confidence, respond to these changes and be better equipped to deliver future infrastructure and development needs.

The Heritage Alliance welcomes the opportunity to respond to the proposed changes to the National Planning Policy Framework as it is being refreshed. The NPPF is the bedrock in an effective planning system and a key tool to deliver benefits to both communities and the historic environment. While we welcome the plan-led approach and commitments to heritage protections, new uplifts, densification and changes to Green Belt could undermine these efforts and lead to poor outcomes for communities and cultural assets. We call for a greater commitment to strategic planning, including stable investment in local planning authorities and the expertise that underpins effective planning decisions. There is a danger that rushed and piecemeal housing delivery will not only overlook

opportunities for sustainable regeneration and reuse, but deliver the unintended consequence of disconnected communities, speculative development and inadequate provision of infrastructure for the homes of the future.

We support and advocate for a National Planning Policy Framework which:

- Recognises the role of the historic environment as a critical element in the concept, and delivery, of sustainable development.
- Ensures that the potential of heritage is fully utilised as a driver for economic growth and community cohesion.
- Promotes the re-use of existing buildings to support net-zero strategies and delivery of new housing targets.
- Supports a strategic approach to plan-making.
- Improves capability and capacity of local planning authority historic environment services.
- Secures early engagement on historic environment matters to both de-risk development and maximise heritage related benefits to society.

Responses to Consultation Questions

Planning for the Homes we Need

Character and Density

Q4. Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?

We broadly support the government's ambition to move towards a more localised approach to design. Removing the right of local planners to make decisions about density on the basis of local character is out of step with this principle. Increasing density in urban areas is in general a sensible principle and preferable to development on undeveloped land, but reasonable restrictions on building upwards on the basis of local character are an important mechanism for ensuring that densification remains 'gentle'.

Consideration must be given to the fact that urban centres are often characterised by a high number of historic buildings (including many which are not listed) which contribute considerably to the visual amenity of the area. Some types of upward extension can be particularly visually intrusive, altering the character of a building. In areas of very high heritage density such as Bath World Heritage Site or the City of Westminster, densification targets will be very challenging or damaging to fulfil. Further, the foundations of historic buildings can be very shallow, making building upwards unstable or unsafe. Deregulation regarding density risks weakening protections around both safety and place with regards to historic buildings which are not protected by listing.

In such cases careful consultation with planning authorities and conservation specialists acts as an important safeguard in preserving a sense of place. Regional Spatial Strategies could be brought back in to play a role in evening out provision, and the use of design codes informed by HERs will be required to ensure that upwards extension is appropriate.

Q5. Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

We broadly support the government's ambition to encourage the adoption of more localised approaches to design but this should apply to discrete sites (such as those marked for intensification) and be identified and managed proactively as part of master planning. Spatial Visions should not become a watered-down version of design codes but should complement district-wide coding to enable strategic developments in the right places whilst maintaining character, place and beauty. Localised spatial visions have been most effective where they have been form-based. A notable example of a localised form-based vision is the London Borough of Southwark's *Old Kent Road Area Action Plan*. Other examples are to be found across Historic England's [High Streets Heritage Action Zones](#), which has seen more than 60 highstreets across England benefit from heritage-led redevelopment.

We appreciate the government's ambition to reduce delays to planning. However, design codes must be understood as a key way to deliver better designed buildings, more liveable communities and more cohesive spaces. We could support a progressive/proportionate approach to the use of design codes in the case of smaller developments where the impact will be smaller, but they remain an important element of large-scale regeneration and development schemes.

Strengthening and Reforming the Presumption in Favour of Sustainable Development ('The Presumption')

Q6. Do you agree that the presumption in favour of sustainable development should be amended as proposed?

Unsure. We would welcome an explicit reference to the need to consider locational and design policies, as well as policies relating to the delivery of affordable housing, when the presumption is engaged. We echo concerns regarding the use by some developers of the presumption as a route to gain permission for low quality, unsustainable development.

We further propose that the safeguard includes provision for the protection of historic character or features. We appreciate that there are no proposed changes to footnote 7 to continue to protect designated heritage assets, however we urge the Government to implement the additional heritage provision granted in Section 102 of the Levelling up and Regeneration Act to widen the scope of protection provided by footnote 7. As it stands, most heritage is unprotected at a national level - only about 7% of our traditional buildings are listed and it may be difficult for planning authorities to oppose proposals which adversely impact unlisted but locally valued assets.

Restoring the 5-Year Housing Land Supply (5YHLS)

Q7. Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

Unsure. There is a risk that this could incentivise low-quality speculative proposals or speculative proposals for green belt sites regardless of need.

A New Standard Method for Assessing Housing Need

The Government's Proposed Approach

Q15. Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

We agree that the appropriate baseline for the standard method is housing stock rather than household projections. This will provide greater stability and certainty for local authorities and developers and prevent overestimation of demand.

Brownfield, Grey Belt and the Green Belt

Being Clear that Brownfield Development is Acceptable in Principle

Q20. Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

We are supportive of a planning system which encourages regeneration and reuse of existing assets. Developing brownfield land can therefore be a welcome contribution to this goal.

There is, however, a vital distinction between the adaptive reuse of brownfield buildings, and a total demolition and rebuild which could waste viable options for repair and reuse. The former can regenerate urban centres, recycle fabric and celebrate local character, the latter has a significantly higher carbon cost, wastes materials and destroys the character of a place.

To support appropriate development on brownfield land, planning policies should prioritise and incentivise adaptive reuse rather than demolition and new build, which could be achieved through permission in principle. The NPPF could also make clear that the design, interest and quality of new development on brownfield land could be enhanced if historically significant (but not necessarily formally designated) buildings and structures, or parts of them, are retained wherever appropriate and integrated into the overall design concept. Evidence suggests that such developments are very popular, and they will help achieve the Government's objective of driving up design standards.

As drafted, clause 122 could encourage demolitions and adversely affect undesignated heritage assets, especially industrial buildings. Certain types of historic buildings, including industrial and mobile heritage infrastructure (airfields, factories, train stations, mills), are under-represented in protection designations such as listing. For example, airfields were formerly afforded transport infrastructure protection under PP3 but are considered brownfield under the NPPF. However, many former industrial brownfield sites have been successfully converted into parks and open spaces or have been ear-marked by local authorities for such purposes – for example, the civic urban and blue space created by the Kings Cross Granary Square regeneration.

By their nature, brownfield sites, having been previously occupied, are also very likely to be of archaeological interest. It is important that geological and archaeological experts are consulted in the

development of 'brownfield' land, which may contain deep sequences of deposits of any period as well as standing structures of archaeological importance. The expansion of statutory HERs would help to deliver information about archaeological potential, providing greater up front certainty for developers. Further, to avoid bringing important but unprotected land into scope, the definition of brownfield should be reviewed to consider whether solar farms, airfields, horticultural developments and sites of geological importance should be excluded.

Making it Easier to Develop Previously Developed Land

Q21. Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

By their nature, PDL sites, having been previously occupied, are likely to be of archaeological interest. PDL sites may also contain important earth history assets which are typically unprotected and could be lost through development. It is important that geological and archaeological experts are consulted in the development of PDL land, which may contain deep sequences of deposits of any period as well as standing structures of archaeological importance.

There is a risk that Grey Belt development encourages demolition and rebuild in cases where reuse and regeneration would be more beneficial. Provided that the history of PDL sites is taken into consideration, development of these sites presents opportunities to celebrate and interpret the former uses of a brownfield site and its contribution to local culture.

Defining the Grey Belt

Q23. Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

We are broadly in agreement with the proposed definition of grey belt land but would recommend making more explicit that, whilst it is the starting point of Green Belt land release, Previously Developed Land is not automatically suitable and should still meet the tests of (a) making a limited contribution to the five Green Belt purposes and (b) meeting the requirements of the 'golden rules'. Consideration should also be given to additional safeguards for the setting of heritage assets and landscapes. The definition would also benefit from a more precise explanation of the distinction between 'Brownfield' land and 'Previously Developed Land'. We welcome the intention of the government to bring local plans forward as part of this consultation - if local authorities are allowed the chance to complete local plans before greybelt is brought in, they can enable appropriate and holistic development in the greenbelt from a more strategic perspective in the first instance.

Q24. Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

By opening the door to reclassification and reregulation, the invention of the 'Grey Belt' inherently weakens Green Belt protections. It is possible that high performing Green Belt land may be mismanaged to degrade its quality, enabling it to be released under grey belt criteria for commercial gain or to meet ambitious housing targets. We agree that additional measures will be necessary to prevent this, for example an embargo on the sale of Green Belt land that was determined to be 'high performing' at the time at which the new NPPF comes into force. Monitoring of Green Belt

performance should also be introduced, so that where indicators suggest the quality of Green Belt land is deteriorating, this can be identified and managed through additional support or, if necessary, sanctions.

A paragraph that echoes paragraph 202 of the current NPPF could be helpful – ‘Where there is evidence of deliberate neglect of, or damage to, a heritage asset [substitute ‘green belt’], the deteriorated state of the heritage asset should not be taken into account in any decision’.

Q25. Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

We agree that additional guidance to assist in identifying land which makes a limited contribution to Green Belt purposes is needed. The use of ‘limited contribution’ is somewhat subjective and could leave local authorities open to litigation, or to the release of land that is unsuitable for development. The introduction of clear and quantifiable criteria, ideally incorporating some form of metrics or scoring, would support local planners in making the right decision with confidence. Given the importance of this guidance, we would recommend that it is included in the NPPF itself.

Q26. Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

Our view is that the proposed considerations for judging whether land makes a limited contribution to the Green Belt purposes is broadly sensible but would suggest a couple of additions/refinements.

‘Openness’ is not one of the five prescribed Green Belt purposes but is nonetheless an essential characteristic, as has been demonstrated in planning case law. Existing case law suggests that ‘openness’ is determined at the discretion of planners but has been subject to litigation in the past. The proposed considerations for judging contribution to the Green Belt would benefit from explicit reference to ‘openness’, which is distinct from criteria relating to ‘sprawl’ and ‘merging’ in that it encompasses visual amenity in addition to density. This would support local planning authorities in making judgement with confidence and is particularly important in the context of releasing Green Belt land, as a piecemeal release without a strategic view to openness (both current and future following development), risks undermining this essential Green Belt principle.

The consideration relating to ‘substantial built development’ is sensible in the context of Green Belt purposes but there is a missed opportunity here to promote sustainable reuse. Where parcels of land contain substantial built development, there should be an additional onus on developers to reuse existing structures or materials or to incorporate existing built features into the design of new developments. Evidence suggests that such developments are very popular, and they will help achieve the Government’s objective of driving up design standards, preserving the visual amenity of the Green Belt and limiting the environmental harms of demolition and new build.

Q27. Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

We support the government's ambition to move beyond using the Green Belt solely as a planning tool to limit urban sprawl, extending its scope to focus additionally on enhancing the quality of green spaces for biodiversity.

We support the exclusion of land identified in draft or published Local Nature Recovery Strategies from release through Grey Belt reclassification. Local authorities should be directed to identify green belt areas for enhancement as part of preparing LNRs. This could include measures such as prioritising areas of Green Belt land for woodland and forest creation projects or local urban or peri-urban small scale food growing initiatives.

Land Release through Plan-Making

Q28. Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

Unsure. We broadly agree with the adoption of a sequential approach as proposed in the consultation document, if the appropriate safeguards for high-performing areas of the Green Belt are robustly maintained.

However, we are concerned that releasing greenbelt land in this way risks rushed and piecemeal development, rather than strategic and holistic use of this land. Prioritising greenbelt land to meet housing needs will mean that other ways to increase housing delivery are overlooked, and also risks the delivery of housing without the necessary infrastructure.

There are other opportunities to deliver the homes we need: more than a million homes given consent in the last 10 years have not been built, and there is substantial opportunity for the sustainable adaptation and reuse: Historic England estimates up to 670,000 new homes could be created just by repurposing existing buildings. Current fiscal and regulatory systems (for example Permitted Development Rights, and the VAT system as it applies to construction) incentivise demolition and waste over reuse, but we are pleased to see that MHCLG is conducting research into this issue.

Q29. Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

This test seems to propose a low bar, as alterations to boundaries would have to have wider consequences for the area's Green Belt as a whole, rather than just their local area to be deemed inappropriate. This risks shifting the balance too far away from local consent and could result in unequal access to green belt land, which acts as the only open space for many urban households.

Delivering Improved Public Access to Green Space

Q36. Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

We agree with the proposed approach to securing benefits for nature and public access to green space. This approach could be built upon by considering how historic environment features and public access to and engagement with heritage, can be integrated into proposals.

Green Belt Land and Benchmark Land Value

Q46. Do you have any other suggestions relating to the proposals in this chapter?

We believe that there is a missed opportunity for embedding sustainable reuse and circular economy approaches into the planning system. Demolition and rebuild generate significant carbon emissions and environmental harm, whilst the re-use of the historic built environment contributes to a sense of character and place and is popular.

Re-use can be embedded into both the sequential approach and the 'Golden Rules' by requiring re-use of existing assets in brownfield and PDL sites and by adding a golden rule that requires re-use of existing structures as community assets.

Delivering Affordable, Well-Designed Homes and Places

Supporting Majority Affordable Housing Development

Q54. What measures should we consider to better support and increase rural affordable housing?

We are broadly supportive of the measures proposed by our member CPRE in their [Rural Affordable Housing report](#). These include greater support for rural communities using neighbourhood planning and rural exception sites to deliver small scale affordable housing, making grant funding available to enable social rented housing to come forward, showing greater support for community-led development, and rejecting developments that do not live up to the design standards set out in the National Model Design Code. Crucially, limiting the overuse of PDR in housing delivery will reduce the problem of rural housing which is not appropriate to community needs and lacks access to social and cultural infrastructure.

Requiring 'Well Designed' Development

Q59. Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to 'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework?

The Heritage Alliance supported the aims of the Building Better, Building Beautiful commission to promote and increase the use of high-quality design for homes and neighbourhoods, to reflect what communities want, building on the knowledge and tradition of what they know works for their area.

We acknowledge the challenge of subjectivity regarding the use of the term 'beauty'. Whilst we are not opposed to the removal of the specific term from the NPPF and note that its subjectivity has made it an ineffective decision-making tool, the intention – to ensure good placemaking – should not be lost. Local planning authorities should be directed to assess and improve design quality through adherence to local or national design codes.

Supporting Upwards Extensions

Q60. Do you agree with proposed changes to policy for upwards extensions?

We oppose the removal of the condition of simultaneous development for upwards extensions. Alterations to ridge lines, especially in traditional terraces, can create an uneven roofscape which affects the amenity of neighbouring properties. It could also result in poorly designed extensions that do not fit with the design or character of the host building or wider landscape or townscape character, resulting in negative impacts and reduced quality of the built environment, especially where this concerns heritage buildings.

Building Infrastructure to Grow the Economy**Building a Modern Economy****Q62. Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?**

Priority should be given to maintaining, adapting and upgrading existing infrastructure before building new. This reduces waste and avoids the carbon in new construction.

Delivering Community Needs**Promoting Healthy Communities****Q70. How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?**

National planning policy should promote the development of places that promote physical and mental health. The pedestrian-oriented design and layout of historic towns and cities can support people to keep physically active. In 2020, the independent Building Better, Building Beautiful Commission recommended returning to the design of traditional settlements that were built to prioritise people over vehicles, due to the proven physical health benefits of a compact environment that facilitates active travel (walking and cycling). In addition to imitating the design of historic towns and cities in new development, existing examples should be safeguarded from development that undermines the health benefits they generate.

High quality green spaces are associated with improved physical activity. Quality matters for achieving these benefits and ensuring green spaces can help to tackle key public health challenges such as physical inactivity and obesity. The contribution of heritage to high quality green space is recognised by Natural England in their Green Infrastructure (GI) framework, which states that good quality local green space should respond to and enhance the character and history of an area to create beautiful, well designed and distinctive places.

Our member National Trails cover over 5000 miles of public footpaths in England, linking dense city centres with open countryside. Already, over 305 million people travel along the National Trails each year (saving the NHS over £167 million each year), but there are steps that could enhance and protect their impact on public health. We recommend that the definition of National Trails is changed to *'long distance access routes, designated under the 1949 National Park and Access to the Countryside Act*

and the Marine and Coastal Access Act 2009. This would properly recognise the designation of National Trails and protect them from development that might have adverse impacts. Any variation to a National Trail should further be approved by the Secretary of State (Defra). Lastly the NPPF should be explicit that, if diverted, National Trails should be separate to vehicular routes which diminishes the experience of a National Trail and limits health outcomes due to pollution.

Supporting Green Energy and the Environment

Strengthening the NPPF

Q74. Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

Development for the purposes of renewable energy schemes must not come at the expense of important existing natural environmental assets such as peatlands. We agree that additional protections for significant habitats should be put in place to protect them from unsuitable development.

Tackling Climate Change

Q78. In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

We support the removal of the permitted development right to demolish buildings without planning permission. Facilitating this without considering environmental impact clearly goes against the Government's sustainability and net-zero goals. This PDR ignores circular economy principles and the wealth of evidence which demonstrates that retrofitting or renovating existing buildings is almost always less carbon intensive than rebuilding them.

Secondly, exploring how Listed Building Consent Orders can be used to facilitate common and effective measures to reduce the carbon impact of the historic environment would reduce the caseload on local authorities and speed up consents for such works.

Lastly, the National Planning Policy Framework should support the exploration of renovating and retrofitting buildings first before considering their demolition, using appropriate data and assessment tools. This could be achieved through a prior approval mechanism.

Q81. Do you have any other comments on actions that can be taken through planning to address climate change?

The most effective way that planning could address climate change is through promoting re-use of existing built assets. In addition to being less carbon intensive the re-use of the historic built environment contributes to a sense of character and place and is popular. Where re-use/re-development is not feasible, reused materials reclaimed from the built environment can be used as part of the circular economy. For example, reusing steel can have a 97.5% lower embodied carbon than new steel.

Demolition and new build are carbon intensive processes. Currently, embodied carbon (carbon emissions associated with the material extraction and manufacture, construction, maintenance, refurbishment, and demolition of a building) makes up 20% of the UK built environment's emissions. It is unregulated and is being reduced at a much slower rate compared to operational carbon (carbon emissions associated with the energy used to operate a building e.g. light, heating). We support proposals for the introduction of a government-backed standardised whole life carbon assessments to address this.

Changes to Planning Application Fees and Cost Recovery for Local Authorities Related to Nationally Significant Infrastructure Projects

Proposed Fee Increase for Householder Applications

Q89. Do you agree with the proposal to increase householder application fees to meet cost recovery?

Unsure. Whilst many of our members would welcome this measure to alleviate resourcing constraints, support is not universal across our membership, neither is it unequivocal.

We note that increasing householder fees may not meet expectations of improved service provision, and there is a risk that raising fees could encourage applicants to amend proposals to make them permitted development, even where that is an inferior outcome for the public interest. Levels of non-compliance could also increase, leading to the loss not only of the higher fee but also of the fee currently being paid.

Subject to these caveats, an increase in householder fees could serve to improve resourcing gaps if funds raised are tightly ring fenced and reinvested in planning services, including for historic environment services. Conservation and archaeology services within planning teams have seen their capacity halve since 2010 and would need to be prioritised by any uplift in fees. We would further recommend that the increase in fees also supports capacity in enforcement teams to tackle any potential increase in non-compliance.

Fees for Applications where there is Currently No Charge

Q90. Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

The Heritage Alliance opposes the introduction of fees for Listed Building Consent applications. Listed buildings can have more costly repair and maintenance requirements than modern buildings, and their custodianship should not be discouraged by introducing a fee for seeking consent for regular works to such buildings. Where works constitute development, a fee will already be paid for planning permission. Heritage planning services should instead be properly supported by central government funding, through householder application fees (as they currently partially are - and only a very small increase would deliver full cost recovery for historic environment services), or through greater use of commercial developer contributions who are better able to carry this cost.

Localisation of Planning Application Fees

Q91. Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?

There is a risk that if localisation of planning fees resulted in notable discrepancies between neighbouring local authorities the public may perceive this as lacking transparency or as inefficient/not-streamlined.

Q92. What would be your preferred model for localisation of planning fees?

Local variation. It is known that local planning authorities are over-stretched and under-resourced. Introducing a mandatory duty to set fees may place an additional administrative burden on departments which negates the benefits of increased fees. Local variation would allow local planning authorities to make their own judgement regarding the introduction of additional local fees, based on the individual financial and resource implications.

Increasing Fees to Fund Wider Planning Services

Q93. Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services? If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

As the Heritage Alliance opposes the introduction of fees for Listed Building Consent, this service is one that could be funded through an increase to other householder planning fees. Archaeology and conservation services could also be funded in this way. We believe this would be justified as neither of these services are discretionary but form part of core statutory planning services.

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