

About the Heritage Alliance

[The Heritage Alliance](#) is the umbrella body for the independent heritage sector in England, a charity bringing together over 200 organisations representing the breadth of heritage. The Heritage Alliance sits on the Government's Heritage Council and the heritage sector's Historic Environment Forum. Our Planning and Devolution Bills task & finish group has fed into this briefing.

Welcome Provisions

The Heritage Alliance welcomes many of the provisions of the Planning and Infrastructure Bill, which it believes should help the heritage sector support the streamlining of infrastructure and planning approvals while maintaining the essential safeguards that ensure development is sustainable. As ever, the Alliance believes that heritage is an enabler of growth, and not a blocker. Indeed, the Alliance believes that some of the reforms proposed could go further, allowing decision-making to be better informed and quicker, and growth to be accelerated - which we elaborate on further below.

At this stage the Alliance particularly welcomes:

- **Measures to improve planning performance, where deficiencies have created problems for heritage, including:**
 - the provisions enabling local authorities to set their own reasonable planning fees and ring-fence them for planning purposes
 - the measured delegation of powers to planning officers
 - the mandatory training of planning committee members (especially if it covers heritage matters, which can be interpreted incorrectly and unhelpfully by committees)
 - the duty for local authorities and statutory consultees to have regard for guidance

Heritage could be further supported by implementing the provisions of the Levelling-Up and Regeneration Act 2024 which place a requirement on local authorities to provide heritage services underpinned by a Historic Environment Record (HER): a statutory provision that is overdue for bringing into operation. Implementing this requirement, together with enabling more resources for heritage services, would overcome most of the real or perceived obstacles to development from heritage, which tend to result from impaired process rather than flawed policy. Moreover, high-quality data provides greater certainty and

supports better decision-making.

- **Measures to simplify the planning process** - providing that that is what they do, rather than overlaying alternative routes to consent on an already complex system. However, there are some related concerns set out below.

Uncertainties

Without the benefit at present of detailed legal scrutiny, the Alliance is not yet able to assess all the implications of the amending provisions of the Bill, and will be seeking clarification from Government with potential probing amendments. Another hindrance to the Alliance's support of some measures is the dependence on Statutory Instruments not yet available.

At this stage, notable potential concerns relate to:

Part 1: Infrastructure

- **Clause 37 (disapplication of heritage regimes)**
This appears to deny the Secretary of State the right and duty of weighing heritage when considering any project made under an order under the Transport and Works Act 1992, and thus arriving at a 'planning balance'. This is a significant concern for the heritage sector. We urgently seek clarity from Government to understand the provision's intended purpose and the perceived problems it is seeking to address.

Part 2: Planning

- **Clause 44 – Fees for planning applications etc**
We would like clarity on whether this provision includes the potential for local authorities to introduce fees for Listed Building Consent, which would have a detrimental effect on heritage. Listed status confers burdens with regard to preservation and maintenance that are in the public interest, and owners cannot opt out of their obligations. Ensuring this service remains free of charge is therefore vital.
- **Clause 47 – Spatial Development Strategies**
We have several concerns regarding SDSs and remain unclear as to how they will operate in practice. For instance, section 12H (consultation and representations) makes reference to a requirement for strategic planning authorities to notify 'specified persons' that the draft SDS has been published, but does not provide a definition or list. It is crucial that further clarity is given on this point, including whether statutory consultees would need to request attendance at an Examination in Public (EiP) rather than rely on invitation only. It is vital that statutory consultees remain involved in the plan-making process as is currently the case.

Part 3: Development and nature recovery

- **Nature Recovery Fund**
We have some concerns around this section as it appears to go against the mitigation hierarchy used in conservation and removes the presumption against harm. There is also currently no indication as to how it will link into existing nature

restoration opportunities from Biodiversity Net Gain (BNG) supported by Local Nature Recovery Strategies (LNRS).

There is also a wider point here regarding the link between nature and heritage, and whether restoration of historic landscapes is included.

Part 4: Development corporations

- **Clause 80 – Duties to have regard to sustainable development and climate change**

We have concerns that this might not retain the NPPF definition of sustainable development (essential wording that ensures that the significance of the historic environment is as much a consideration of sustainable development as that of the natural environment).

Related Issues

Additionally, we are concerned by the related review of statutory consultees recently [announced](#) by Government and believe that two of our members, The Gardens Trust and Theatres Trust, have been unfairly included in the scope of these reforms. For example, in 2023/24 Theatres Trust responded to 238 Planning and Pre-Planning Applications that fell within their remit; 100% of these were dealt with in the allotted 21 days.

We need to understand the rationale for this proposal and how planning authorities would be expected to compensate for the Trusts' expertise and so continue to make informed and sustainable determinations.

There is also a more general concern with the content of the [Ministerial Statement](#) about the Review of Statutory Consultees which notes 'It is essential that statutory consultees look to provide practical, pragmatic advice and expertise which is focussed on what is necessary to make development acceptable', which implies that objections to inappropriate development would not be welcome. This would serve to create ambiguity in the planning system and also cause problems for remaining statutory consultees in giving objective advice about harm. It is welcome that the Government has committed to a public consultation on the issue and we hope that these points will be taken on board.

There are also potential changes to the NPPF that would also help heritage support effective implementation of this Bill. The Alliance will be seeking to discuss these with Government.

Missed Opportunities

Other provisions could further speed up decision-making and consequent growth, whilst also securing heritage protection, such as

1. **Local Listed Building Consent Orders (LBCOs)** are designed to remove the need for slow and costly (for both applicant and planning authority) applications for LBC for specific sets of routine and/or low-impact works (e.g. repainting or repointing). They are drafted by local planning authorities, with the involvement of Historic England (HE) and the heritage sector, with public consultation. There are current examples in use which are applied locally, within individual local authority areas.

One (for work to canal lock gates etc, specific to the Canal & River Trust) is 'oven-ready', having been drafted and consulted on by HE and MHCLG. However, national LBCOs currently require the 'affirmative resolution' by both Houses of Parliament procedure, and the Canal & River Trust order has never been put forward for approval. We commend the Government to make provisions to change this to the more usual 'negative resolution' to overcome that problem.

2. **Minor but important amendment to the Bill text:** replace 'preservation' with 'conservation' to make the Planning (Listed Buildings and Conservation Areas) Act 1990 Act consistent with the NPPF, PPG, HE's Conservation Principles, HE advice and current international conservation philosophy.
3. **Review of Permitted Development Rights:** It is also vital that the Permitted Development Right (PDR) for demolition is abolished to encourage reuse over unnecessary waste, and that the use of PDR in the planning system is reviewed.

For further information or queries, please contact The Heritage Alliance.

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