

Council for British Archaeology

Planning Policy Consultation Team
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Ministry of Housing, Communities and Local Government
By email only: PlanningPolicyConsultation@communities.gov.uk

9th March 2026

Proposed Reforms to the National Planning Policy Framework (NPPF) and Other Changes to the Planning System

Council for British Archaeology Response

Who we are

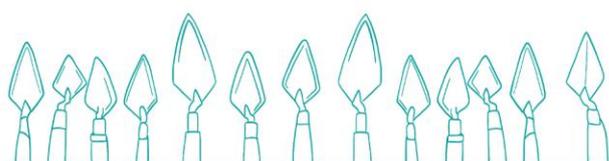
The Council for British Archaeology (CBA) is a charity committed to making archaeology accessible to anyone interested in exploring the stories of people and place. As the voice of archaeology in the UK we bring together community groups, commercial units, academics and heritage organisations to create and share opportunities to participate, discover and be inspired by archaeology.

As a national amenity society, the CBA are statutory notifyees within the planning system. We review over 4000 planning applications each year, 85% of which are for Listed Building Consent (LBC). Through our Listed Buildings Casework team and advocacy work we speak up for the historic environment. Our primary focus is around the archaeological and historic interest in the built environment and its appropriate conservation and reuse. Archaeological interest and evidential value lie both above and below ground, across our landscapes and settlement patterns. We believe that changes within the historic environment should be informed by an understanding of where significance lies in evidencing how places have evolved in relation to people over time. We champion the important contribution that the historic environment makes to the place-based identity and wellbeing of current and future generations. Adapting and reusing the historic environment and archaeological interest lies at the heart of our mission and values.

Summary

The Council for British Archaeology (CBA) welcomes many of the changes in the draft framework, have concerns about the potential impact of some reforms to policies and recommend a number of revisions to the consultation draft which we believe would better deliver the stated objective of the planning system, to deliver sustainable development. Our consultation response focuses on the intended and unintended consequences of the NPPF for management of the historic environment through the planning system.

We welcome the positive reframing of the contribution that the historic environment makes to people and places, including enhanced recognition of locally valued non-designated heritage and the role of local heritage lists. We also welcome the recognition in national planning policy of the



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public benefits (towards carbon reduction targets and local place making) that stem from the adaptive reuse of existing buildings and better use of vacant historic buildings. Clarification on the role of applicants in assessing significance and the impacts of development proposals on heritage assets is also welcomed.

We are concerned about the proposed framing of archaeology in the consultation draft and provide detailed advice on the need for, and means by which, this should be improved through revision. In this regard the CBA have collaborated with Historic England, the Chartered Institute of Archaeologists and the Association of Local Government Archaeological Officers to devise recommended revisions to draft policy for archaeology on behalf of the archaeological sector.

The CBA have identified multiple areas where the role of heritage at a strategic level, specifically in regard to Spatial Development Strategies, and across other policy areas should be explicitly referenced in national policy. We have also raised concerns about the impact on the historic environment which would result from a tilted decision making balance towards a presumption in favour of a wide range of proposal types that would undermine the environmental and social objectives of sustainable development as well as the plan-led system.

Response to questions

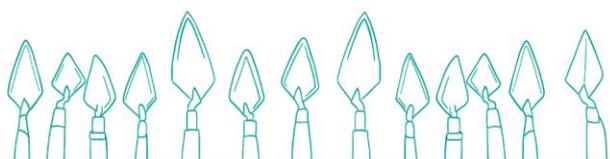
Changes to structure and content

2) Do you agree with the new format and structure of the draft Framework which comprises separate plan-making policies and national decision-making policies?

* Partly agree

* The CBA support the new structure of creating plan-making and decision-making policies within each of the thematic chapters. We believe there are issues at present regarding the lack of interchangeable application between plan-making and decision-making policies in some instances where the policy content is relevant for both plan-making and decision-making. If policies for plan-making and decision-making are to remain uninterchangeable then it may be necessary to repeat policies in such instance.

* There are instances where policies in the NPPF 2024 have been moved to become the initial objective for the chapter. Within the proposed structure these now have no application as policies. This is an issue in chapter 20, which could be remedied by repeating key phrases in plan making and decision making policies.



* The new strategy for numbering policies within thematic chapters is welcomed.

3) Do you agree with the proposed set of annexes to be incorporated into the draft Framework?

* neither agree nor disagree

* We support the principle of providing Annex B: Glossary and Annex C: Information Requirements to enable increased clarity and support consistency in plan and decision making. However, there is important information currently lacking from both annexes regarding the historic environment, which are necessary to support the successful implementation of heritage policy.

ANNEX C: INFORMATION REQUIREMENTS

Heritage related omissions:

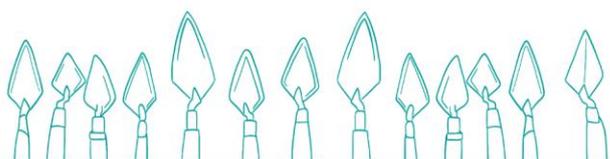
- **Clear and convincing justification** – Required by HE4.2. This is important information to enable decision making in line with legislation and policy. Defining what it amounts to would support timely decision making.
- The potential requirement for a **desk-based assessment and field evaluation** specified in HE5.5. This will be required where an application site has the potential for archaeological interest that needs to be evaluated as part of any development. Requiring this information as part of validation lists minimises delays caused by encountering significant heritage assets that could have been foreseen and managed at an early stage in the design of proposals.

Chapter 1: Introduction

5) Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied?

*partly disagree

* The CBA are concerned that the proposed consistency in terminology for applying weight in decision making will effectively reduce the 'great weight' afforded to consideration of heritage assets in the planning balance. It is unclear how heritage considerations will be balanced with others also afforded 'substantial weight'. It is also unclear how this would align with the 'special regard' duties afforded to listed buildings and conservation areas (under the 1990 Planning Act), and potentially extended to other designated heritage



assets under the provisions of the Levelling Up and Regeneration Act. At present, the ‘great weight’ afforded to conserving heritage significance in the NPPF effectively implements the ‘special regard’ required by legislation. The CBA advise that the government should be satisfied that any revised terminology achieves the same ends in decision making.

Chapter 2: Plan-making Policies

6) Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1?

* Partly disagree

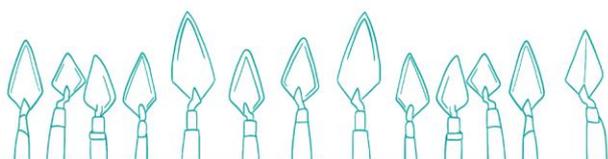
* It is important that heritage is recognised as a strategic issue as well as a detailed matter if the opportunities it creates for place shaping, regeneration, and promoting local and regional identity are to be realised in a way that is articulated in the objectives of chapter 20. Policy PM1 does not include the historic environment as a strategic matter as currently drafted. We believe it should be revised to incorporate this and avoid missing opportunities at a strategic level for the conservation and enhancement of the historic environment.

When identified in advance, heritage constraints present opportunities for sustainable development to maximise meeting its three objectives (economic, environmental and social). When features with heritage significance are encountered by surprise, later in the development process, their management and mitigation strategies can cause costly delays. At a strategic level this could apply to crucial infrastructure. As recognised in the objective of chapter 20, heritage assets are an irreplaceable resource that should *be “conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”* It is therefore imperative that the historic environment is suitably considered at a strategic level of development planning as well as local and neighbourhood plan making stages.

9) Do you agree with the role, purpose and content of local plans set out in policy PM2?

* Partly agree

* The CBA are concerned by the lack of reference to the historic environment and its role in local identity and as a driver for regeneration and community cohesion. Recognition of the role that conservation and enhancement of the historic environment has as a driver in place-shaping, growth and the quality of the public realm would make a valuable improvement to policy PM2.



13) Do you agree with the approach to the preparation of plan evidence set out in policy PM8?

* Partly agree

* Whilst we welcome national policy regarding the needs of an evidence base to underpin plan making, we are concerned that the current policy does not adequately support the important way in which an evidence base regarding the local historic environment in a plan area should be incorporated. To support the streamlining of a plan-based planning system it is important that historic environment constraints and opportunities are identified in a timely and proportionate way. When identified in advance, heritage constraints present opportunities for sustainable development to maximise meeting its three objectives (economic, environmental and social). When features with heritage significance are encountered by surprise, later in the development process, their management and mitigation strategies can cause costly delays. Enacting section 230 of the Levelling Up and Regeneration Act, to put Historic Environment Records onto a statutory footing, would be a valuable component of ensuring a high quality evidence base for the historic environment extends across the country.

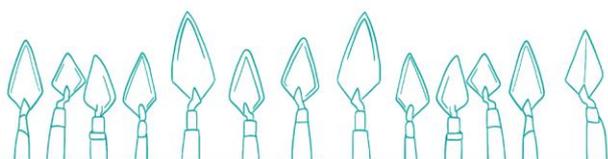
14) Do you agree with the approach to identifying land for development in PM9?

* partly agree

* The CBA would welcome explicit reference to the historic environment as part of PM9.2.b. Historic environment features present opportunities for development to contribute to local identity and place-shaping strategies, which are best achieved when assessed and understood at an early point in the development process. It would therefore be valuable to the streamlined plan-led process to have any heritage related constraints associated with allocated sites identified as part of the identification of land for development. This will be especially important in regard to the relatively high likelihood of heritage assets with archaeological interest being encountered at brownfield and grey belt sites and sites near stations. Broadly speaking, such sites are likely to have been previously developed, evidence of which will be encountered through redevelopment. Obviously the significance of any deposits will vary considerably but up front awareness of the probability that an archaeological strategy may be necessary to development would provide increased clarity for developers.

Chapter 3: Decision-making Policies

22) Do you agree with the policy DM2 on information requirements for planning applications?



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* partially agree

* The information in Annex C does not currently include all the information necessary for applications with impacts on heritage assets. We therefore advise the scope of Annex C is extended to include: Clear and convincing justification (required by HE4.2), the potential requirement for a desk based assessment (HE5.5), an impact assessment (HE8).

* In areas with high archaeological potential it will be important that local validation lists include a requirement for a proportionate desk-based assessment. A well maintained and resourced Historic Environment Record is essential to enabling applicants to meet this requirement. Placing HERs on a statutory footing (enacting Section 230 of the Levelling Up and Regeneration Act) is central to facilitating this as part of a plan-led planning system.

29) Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations?

* Pre-commencement conditions often accompany Listed Building Consent as the level of detail necessary to ensure materials, methodologies & design details are appropriate would be too much to ask for as part of the initial application which may be refused consent. Proportionate archaeological evaluation is also often dealt with through pre-commencement conditions as iterative strategies. It is important that the ability to use pre-commencement conditions for such applications is not lost.

* The CBA cautiously welcome the principle of model planning conditions, noting their relevance for heritage dimensions to planning applications and archaeological mitigation strategies. Model conditions are not yet drafted, and the devil will be in the detail. We strongly encourage the government to accept Historic England's offer to input on the drafting of model conditions concerning the historic environment. The CBA would be happy to contribute to this process through our membership of the Historic Environment Forum.

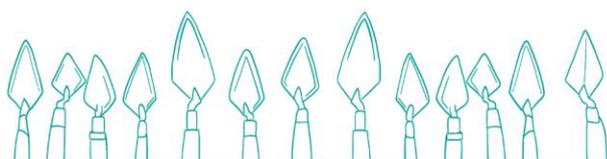
* The CBA believe that a default use of model conditions should not preclude the use of bespoke planning conditions for complex cases when needed. It is important that national planning policy can accommodate this.

Chapter 4: Achieving Sustainable Development

34) Do you agree with the proposed approach to setting a spatial strategy in development plans?

* Partly disagree

* There are multiple instances where the term 'growth' is used in place of 'development', including S1.1.b, which the CBA disagree with. 'Sustainable growth' is not supported by a



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definition in the glossary whereas 'sustainable development' is established NPPF terminology, supported by three overarching objectives of economic, social and environmental outcomes. On this basis we advise 'sustainable development' is a far preferable term to use and believe the way in which the two terms are used interchangeably throughout this draft requires review.

36) Do you agree with the revised approach to the presumption in favour of sustainable development?

* strongly disagree

* The CBA are concerned that the tilted balance towards a presumption in favour of development places a pre-eminence on the economic objective of sustainable development at the expense of social and environmental outcomes. We believe the result of this tilted balance will be short term expedient development at the expense of long term sustainability and high quality development.

This tilted balance will impact the weighting in decision making towards all other considerations. As such this will affect a reduction in heritage protection that is articulated in the policies in chapter 20 of the NPPF.

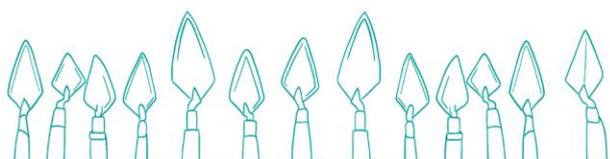
37) Do you agree to the proposed approach to development within settlements?

* Strongly disagree

* The CBA are deeply concerned about the impact that Policy S4 will have on the appropriate weighting afforded to multiple considerations in reaching a balanced planning decision. We are specifically concerned about impacts on the historic environment. The requirement for proposals within settlements to be approved “unless the benefits are *substantially* outweighed by any adverse impacts” would tilt decision-making towards development in a way which would compromise both the achievement of sustainable development and the plan-led system.

We are also deeply concerned that the circumstances identified for ‘unacceptable impacts’ does not include reference to heritage. This should be anticipated as resulting in considerable and otherwise avoidable levels of harmful impacts to the character, appearance and special interest of the historic environment across the country.

The CBA believe the wording in policy S4 should be revised to remove the term ‘substantially’, thereby maintaining a presumption in favour of approval but allowing for a genuinely balanced judgement in decision making.



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We also advise that heritage should be explicitly included amongst the ‘circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects.’ We believe this is necessary to reflect their identification as an ‘irreplaceable resource’ (chapter 20) and maintain the ‘special regard’ duties that are established in legislation.

38) Do you agree to the proposed approach to development outside settlements?

* strongly disagree

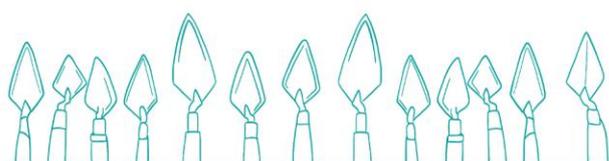
* The CBA are deeply concerned about the impact that Policy S5 will have on the appropriate weighting afforded to multiple considerations in reaching a balanced planning decision. We are specifically concerned about impacts on the historic environment. The requirement for proposals outside settlements to be approved “unless the benefits are *substantially* outweighed by any adverse impacts” would tilt decision-making towards development in a way which would compromise both the achievement of sustainable development and the plan-led system.

The dramatically tilted balance created by “substantially outweighed” opens the door to poor design and unsympathetic development. The CBA believe the wording in policy S5 should be revised to remove the term ‘substantially’, thereby maintaining a presumption in favour of approval but allowing for a genuinely balanced judgement in decision making.

39) Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria?

* partly disagree

* The CBA are concerned that categories such as previously developed land, housing near railway stations, and unmet housing need are so widely defined that they could enable large-scale development in sensitive areas without due consideration in line with the relevant policies elsewhere in the NPPF. It is not clear how this policy relates to those in chapter 20 concerning heritage assets and their setting. We believe this should be clarified in this chapter to ensure consistent decision making. It is important that the interaction between this policy and those in chapter 20 maintains the management of heritage assets as an ‘irreplaceable resource’ (chapter 20) and maintains the ‘special regard’ duties that are established in legislation.



40) Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?

* Partly disagree

* The CBA are concerned that the impact of the broad scope of 'certain forms of development' risks significantly undermining the positive management and control of development. Categories such as previously developed land, housing near railway stations, and unmet housing need are so widely defined that they could enable large-scale development in sensitive areas without due consideration in line with the relevant policies elsewhere in the NPPF. We advise that policy S5.3 should include reference to the relevant historic environment policies in chapter 20.

Chapter 5: Meeting the Challenge of Climate Change

42) Do you agree with the approach to planning for climate change in policy CC1?

* Partly agree

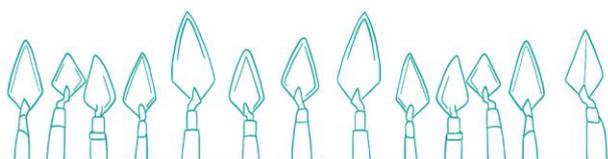
* The CBA welcome the emphasis on integrating climate change mitigation and adaptation into development plan policy, which is consistent with the NPPF's overarching objective of sustainable development. We would welcome explicit reference in CC1 to the important contribution that the historic environment makes to climate change objectives.

43) Do you agree with the approach to mitigating climate change through planning decisions in policy CC2?

* Partly agree

* The CBA welcome reference in policy CC2.1.d to the adaptive reuse of existing buildings. Cross referencing to policies HE4 and HE7 would be beneficial.

* Policy CC2.2 would also benefit from cross referencing policies for conserving and enhancing the historic environment as well as Historic England guidance regarding appropriate retrofit for traditionally constructed buildings. Using appropriate materials and methodologies to improve energy efficiency in traditionally constructed buildings is essential to avoid maladaptation that locks damp and other future issues into the building's fabric.



47) Do you have any other comments on actions that could be taken through national planning policy to address climate change?

* Yes

* In order to embed a sustainable approach towards the embodied carbon in standing buildings which are capable of adaptive reuse, the CBA would welcome the introduction of whole life carbon assessments in both planning policy and their consideration in planning applications.

* We would also welcome recognition in planning policy of heritage-led regeneration as a means of delivering low-carbon housing as part of a climate aligned housing strategy.

Chapter 6: Delivering a Sufficient Supply of Homes

82) Are any more specific approaches or definitions needed to support the delivery of very large (super strategic) sites, including new towns?

* Yes

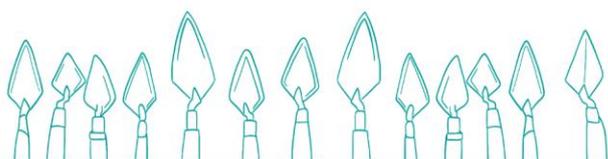
* Understanding the historic environment at an early stage will make an important contribution towards the successful delivery of large sites and new towns in terms of place shaping. There are scant places on an island this size which are suitable for development that have not been used historically by our ancestors. Understanding the historic character of places helps to reinforce or re-envision a sense of place that integrates well with its surroundings. When conditioned as part of development, archaeological strategies can deliver a wealth of social value around place shaping. We have provided further advice in this regard in our response to Q.191 where we have advised on a policy hook to support the conditioning of archaeological strategies that deliver social value in terms of place-shaping.

It will be important to make use of relevant tools and methodologies, such as archaeological sensitivity mapping, large-scale characterisation studies and, where appropriate, historic landscape characterisation to understand potential archaeological and landscape impacts from the development of very large sites and new towns at an early stage.

Chapter 12: Making Effective Use of Land

114) Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land?

* Partly disagree



* It is important that opportunities for infill development respond to the existing character of an area. We believe this should be explicitly stated in L1.1.a.ii. We advise that local design guides and codes should be formulated on evidence of an area's character in order that opportunities for infill development respond to local distinctiveness rather than eroding it.

* Clarity should be given in relation to L1.1.b.i that optimising the use of allocated sites is achieving an appropriate scale and density in line with local character. It does not equate to squeezing the maximum number of units into a given plot.

115) If not, what further guidance is needed?

It is important that guidance establishes that 'optimise' (used throughout the chapter) does not mean 'maximise' in terms of volume of development on a plot. This misinterpretation would result in widespread erosion of local character and distinctiveness.

116) Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land?

* Partly agree

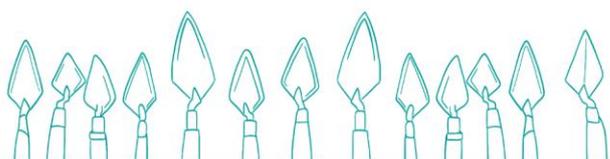
* The CBA welcome reference to the 'better use' of under-utilised buildings and space above shops, which has the potential to reinvigorate town centres across the country. The high volume of historic buildings that policy L2.1.b would apply to means that cross referencing the relevant policies in chapter 20 would be helpful. Historic England have published research and guidance regarding the reuse of accommodation above shops. Flagging this to support best practice, potentially through PPG, would be beneficial.

* It is important that conditions around methodologies & materials in traditionally constructed buildings mean the resulting alterations and adaptations are successful in the long term. For this reason, PPG which supports this policy could helpfully signpost guidance regarding the retrofit of traditionally constructed buildings.

118) Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy?

* Partly disagree

* The collateral impact of policies that encourage infilling gaps in the existing roofline of places, developing the airspace above existing residential and commercial buildings, the introduction of tall



buildings at street corners and development of residential curtilages could dramatically impact the character and appearance of places in way that could be positively managed by a mitigating additional requirement that increased density should respond appropriately to the heritage significance of affected heritage assets and the character of the area. We advise that this requirement is added to policy L2.1.d.

119) Do you agree policy L2 (d)(i) achieves its intent to enable appropriate development that may differ from the existing street scene, particularly in cases such as corner plot redevelopment and upwards extensions.

* Strongly disagree

* It is important that infill development responds positively and appropriately to the existing architectural character of an area, which the current phrasing of this policy has the strong potential to undermine.

* The CBA are concerned that policy L2.1.d creates a presumption in favour of the development of tall buildings at street corners without the impact of this approach on the existing character of areas being proportionately considered. Accepted policy and practice requires development to respond to context. The CBA are concerned about the impact this policy would have on the historic environment, including the character of designated conservation areas.

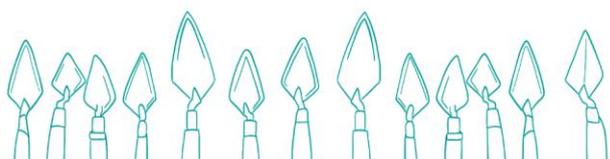
* Whilst upwards extensions to existing buildings can be positive, there are locations where it would be so alien to the townscape context that upwards extensions would be wholly inappropriate. It is important to avoid the creation of a presumption in favour of particular types of development in a way that overlooks site context.

120) Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages?

* Strongly disagree

* This policy overlooks the suitable consideration of site context to inform appropriate development. Whilst we support the principle that increased density can be achieved through the development of curtilages, we strongly advise against a 'one size fits all' approach, which would erode the character and distinctiveness of places.

* The currently proposed safeguards in L2 are not sufficient in relation to historic environment sensitivities, which should be explicitly referenced here. As drafted, we believe this policy conflicts with the requirements in chapter 20 towards the conservation and enhancement of the historic environment. legislation requires 'special regard' to



consideration of the setting of heritage assets, and it is important to note that the historic environment is not restricted to designated assets. The cumulative impacts from this policy could be a considerable erosion of local character.

*Policy L2 could be improved upon by explicit reference to infill development needing to respond positively to the architectural character of the site's context and cross reference the relevant policies in chapter 20 as well as local design codes.

122) Do you agree with the minimum density requirements set out within policy L3?

* Partly disagree

* The CBA advise that policy L3.1. should be revised to include reference to the existing character of the area in the list of considerations.

* We do not support the inclusion of L3.4 'Development proposals that do not make efficient use of land in accordance with this policy should be refused.' As this removes the ability of decision makers to approve proposals which respond to the sensitivities of specific sites where optimised development may be relatively modest in response to the site context.

Chapter 14: Achieving Well-Designed Places

146) Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes?

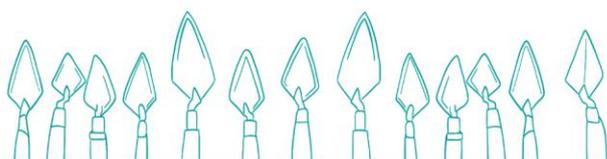
* Partly agree

* The CBA believe DP1.1.b should be amended to include explicit reference to the historic environment in terms of townscape sensitivity. This should include but not be limited to conservation areas.

148) Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places?

* Partly agree

* We welcome the planning principle established in DP3.1.a towards the reuse and integration of historic buildings. We advise that 'restoration' should be replaced with 'conservation', which better captures the management of change within the historic environment in a way that maintains those components which are significant as part of the legible ongoing evolution of a site.



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*DP3.1.h could be improved through referencing the potential for heritage assets, including those with archaeological interest, to make a positive contribution to place shaping. This could cross reference policies in chapter 20, especially HE4.

Chapter 19: Conserving and Enhancing the Natural Environment

179) Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery?

* Partly disagree

* The CBA advise that policy N1 should be improved by requiring the integration of management of the historic and natural environments where they co-exist in this policy area. As drafted, there is no requirement within Policy N1 for specific evidence-based policies or measurable outcomes linked to the Environmental Improvement Plan, specifically to 'Commitment 90: Improve the condition, diversity and character of our landscapes and the condition of the historic environment and heritage features, including designated geological sites and scheduled monuments', which is of particular concern given the changes to policy in Chapter 2 regarding the evidence required in support of plan-making.

* We therefore recommend the addition of an additional criterion to policy N1 to encourage the integrated management of the historic and natural environment where possible.

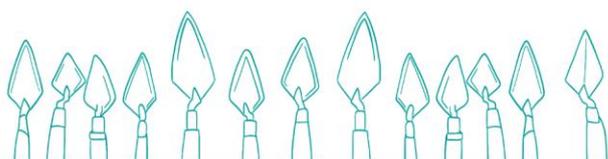
Chapter 20: Conserving and Enhancing the Historic Environment

185) Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act?

* Strongly agree

* Extending the 'special regard duties' to other designated heritage assets would ensure that they are considered in the planning balance in a way that meets the stated objective at the start of chapter 20. This objective, to conserve and enhance the historic environment, is in recognition that it is an irreplaceable resource which contributes to the quality of life and local sense of place identity across the country.

The CBA also believe section 230 of the Levelling Up and Regeneration Act should be enacted to place Historic Environment Records (HERs) on a statutory footing. The compound development of the data that statutory HERs would generate across the



country would make a substantial contribution to the evidence base needed to meet the objectives of chapter 20 regarding conserving and enhancing the historic environment within a plan led system. HER data should also be used as a valuable component of the evidence base needed to support plan making within spatial development strategies.

187) Do you agree with the approach to plan-making for the historic environment, including the specific requirements for World Heritage Sites and Conservation Areas, set out in policies H1 – H3?

* Partly disagree.

* The CBA welcome the positive approach towards the historic environment as presenting opportunities for future development to be grounded in an understanding of the existing character and identity of places. We are concerned that the move of existing NPPF policies into the 'objective' box that opens the chapter prevents the established principles from being applied in either a plan or decision making way. We advise that important phrases including *"Heritage assets are an irreplaceable resource, and range from sites and buildings of local historic value to those of the highest significance"* and *"assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations"* should be repeated in policies to avoid an unintentional reduction in their application and the strength of policy.

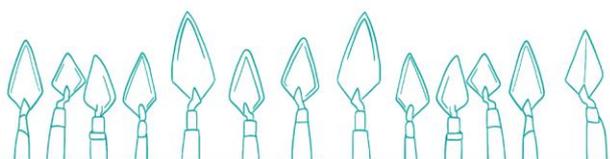
* We agree with and support the principle of creating a positive strategy for the conservation and enhancement of heritage features as part of the sustainable development of a Plan area. However, we have concerns about aspects of the current wording and recommend that the following minor revisions would better achieve the stated objectives;

HE1: Planning for the Historic Environment

1.1.a) Recommend change of 'heritage' to 'historic environment' and the final word from 'growth' to 'development'.

Justification: 'sustainable development' is established as the purpose of the planning system in par 14. Its three objectives (economic, social, environmental) are set out in paragraph 16. This word change would ensure internal consistency and implicit reference to sustainable development objectives. 'Sustainable growth' is not defined as a term in the glossary.

'Historic environment' captures the character and identity of an area, whereas 'heritage feature' is more commonly interpreted as a single building / site. For a plan making policy



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to achieve the social, environmental and economic opportunities that the historic environment can engender, it is important for HE1 to expect a broad consideration of an area's identity and character and not result in a reductionist list of buildings.

Text to read: *Identify the main ~~heritage~~ **historic environment** features within the plan area, including those heritage assets at most risk through neglect, decay or other threats, set out the key issues facing them and create a positive strategy for their conservation and enhancement, including where these assets can be used to support sustainable ~~growth~~ **development***

1.1.b) Recommend adding 'and understanding'

Justification: This would support plan making policies maximising the contribution that the historic environment makes to local identity and place shaping.

Text to read: *Be informed by a proportionate heritage assessment and should consider the wider social, cultural, economic and environmental benefits that conservation **and understanding** of the historic environment can bring;*

1.1.c) Add 'site allocations' as a means to take opportunities to draw on the contribution the historic environment can bring to quality development.

Justification: Identifying any constraints on development for allocated sites increases clarity and certainty for developers. An early awareness of heritage sensitivities in the design process for a site turns constraints into opportunities for development to contribute to local place shaping strategies, as well as design of development in line with local identity. Historic Environment Record (HER) data is an important component in delivering this within a plan led system.

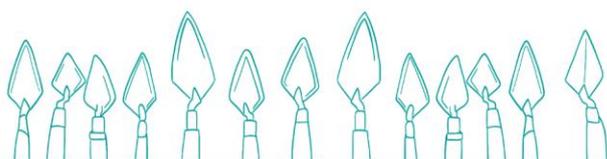
Text to read: *Take opportunities, for example through **site allocations**, design codes and masterplans, to draw on the contribution which the historic environment can make to the character and quality of development;*

1.1.d) Add 'heritage' to provide clarity on what the 'local list' concerns.

Text to read: *Be supported by a local **heritage** list to identify non-designated heritage assets that are important to the local community.*

HE2: Conservation Areas and World Heritage Sites

We welcome HE2 as a plan making policy to ensure Conservation Areas, like World Heritage Sites, are supported by robust character appraisals and management plans. We support their periodic review. Delivering this requirement will make a considerable additional demand on LPAs' specialist conservation staff capacity. The CBA are acutely aware of



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understaffing of historic environment specialists (conservation officers and archaeologists) in planning teams across the country. We wish to flag that this issue will impede local authorities' ability to successfully deliver both the plan making and decision-making policies in this chapter, which will require strategies to increase historic environment specialist staff capacity.

HE3: Historic Environment Records

It is essential that Historic Environment Record (HER) data is considered at every plan making stage (strategic, local and neighbourhood) as part of a streamlined planning system. This increases certainty for developers, minimising surprises (and delays) at decision making stages. The CBA believe the implementation of statutory status for HERs, established under section 230 of the Levelling-Up and Regeneration Act, but yet to be enacted, should be expedited to support the evidence base needed to underpin a plan led planning system. The reference in the consultation to 'if' rather than 'when' this will happen creates unhelpful uncertainty regarding the status of these records. Having access to the data held by HERs will help to secure better and more streamlined decision-making and support sustainable development.

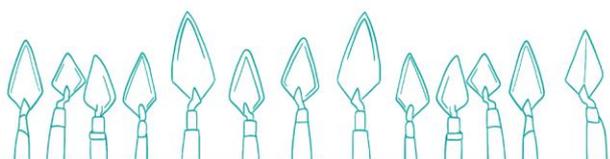
The CBA strongly advise the evidence base in HERs should be factored into strategic development strategies and the identification and description of site allocations. To achieve this, we advise 'and strategic development strategies and development site allocations' is added to HE3.1.a)

Text to read: *Assess the significance of heritage assets and the contribution they make to their environment and inform the preparation of local lists, **strategic development strategies and development site allocations**; and*

188) Do you agree with the approach to assessing the effects of development on heritage assets set out in policy H5?

* partly agree

* The CBA welcome the shift in responsibility from the local planning authority to applicants for assessing the impact of proposals on the significance of heritage assets that is established in policy HE5. This will help to remedy a current issue with paragraphs 207 and 208, which leads to delays in decision making due to the need for revisions to minimise and mitigate harmful impacts after the submission of applications. We believe this requirement to assess significance should explicitly state the need for applicants to use this assessment to inform the development of proposals. This would fully resolve this current issue that causes delays through the need for revisions to meet legislation and policy requirements to minimise harm to heritage significance.



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HE5.5: We welcome the retention to reference of heritage assets with archaeological significance within policy HE5, however, since this is a staged policy, we advise that this paragraph would be better placed with HE5.1 which concerns assessing the significance of heritage assets that would be impacted by development proposals.

There is also a degree of repetition between HE5.5 and HE10.1. The CBA believe strongly that ALL heritage assets should be assessed and considered at an early stage in the development of planning proposals. We are deeply concerned that the separation of HE10, concerning buried archaeological deposits from other heritage assets, would create confusion and reduce clarity about the timing of requirements for applicants to assess impacts on buried heritage assets and factor this assessment into the development of proposals. This is an integral aspect of the procedure outlined in HE5.1

This issue could be remedied by amalgamating HE5.5 and HE10.1 and relocating this policy at HE5.2 (or as a second part to HE5.1), which should increase understanding of the policy and its application, thereby supporting its successful and consistent implementation. Our recommended wording for this is:

Text to read: *Where a ~~development proposal involves, or has the potential to involve~~ site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, an appropriate desk-based assessment should be ~~employed~~ undertaken, and, where necessary, a field evaluation, helping to understand the asset's significance and the potential effect on this, which should inform the design, mitigation and implementation of the development.*

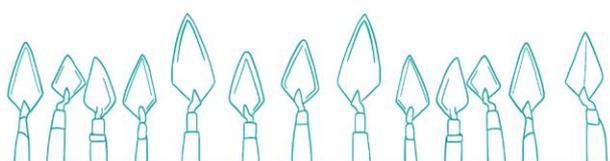
[adjust subsequent numbering to accommodate this new HE5.2]

189) Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties?

* neither agree nor disagree

* The CBA are concerned that the impact of the change in terminology from 'great weight' to 'substantial weight' will reduce the level of heritage protection in the planning balance. We note the change is intended to improve consistency with the weighing of other considerations in decision making. How a balanced decision is reached when applying 'substantial weight' to multiple considerations is not clear.

* When considered along side the shift in balance introduced by policies **S4** and **S5**, requiring the approval of development proposals unless the benefits are *substantially*



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outweighed by any adverse effects, we are concerned that the revised terminology will result in a dramatic reduction to heritage protection in decision making. We believe consequences will include more generic low-quality environments that undermine local distinctiveness, if 'great weight' is not attributed to historic environment considerations in decision making.

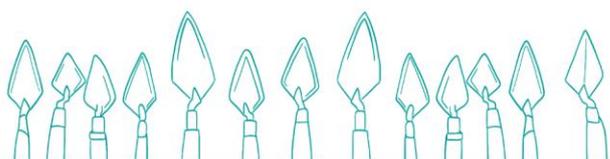
* The 'great weight' currently required by paragraph 212 of the NPPF (2024) towards conserving the significance of heritage assets aligns with the statutory duty to have 'special regard' towards listed buildings and conservation areas, set out in the 1990 Act, which would be extended to other designated heritage assets through the implementation of section 102 of the Levelling Up and Regeneration Act, as proposed. The CBA question whether creating a uniform application of 'substantial weight' for heritage considerations alongside the same weighting for the economic benefits of commercial development, the use of brownfield land within settlements, low carbon energy, mineral extraction, social infrastructure (and more) would mean the NPPF supports decision making in line with this statutory 'special regard' or not. Planning Practice Guidance will be important in establishing how weight should be applied to these different considerations in decision making.

* The CBA are concerned that some redrafting of existing policies from the NPPF 2024 into this revision being consulted on lack sufficient nuance, which could result in an overly simplified consideration of impacts in the decision-making balance. For example, we advise further clarification is needed regarding the understanding of 'positive effect' in HE6.2, particularly in relation to the assessment of more complex proposals.

HE6.2 could be improved by minor revisions. We recommend adding '**overall**' and rephrasing '**approved**' as '**support**' to secure balance in considering multiple effects on heritage assets and non-heritage related considerations in decision making whilst maintaining a presumption in favour of proposals with positive effects on heritage assets.

Text to read: *Development proposals which would have a **overall** positive effect on designated heritage assets should be ~~approved~~ **supported**.*

HE6.3. We note the intentional removal of the term 'viability' from the NPPF due to issues in other policy areas. However, the removal of 'optimum viable use' as a consideration for balancing harm to the significance of heritage assets results in HE6.3 being a far weaker policy than the current paragraph 215 from the loss of this requirement. We advise that adding reference to '**securing uses consistent with the asset's conservation**' would provide important clarity for the decision-making balance.



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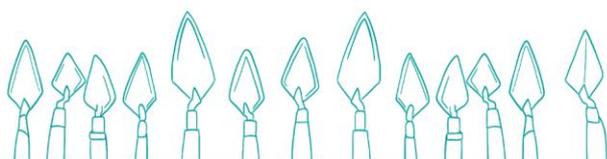
We welcome the principle of the public benefit associated with improved energy efficiency established in policy HE6.3 but advise the need for additional wording to avoid the maladaptation of traditionally constructed buildings. Adding **'sympathetically achieved'** and / or signposting Historic England's guidance on energy efficiency in traditional buildings would support best practice and avoid the use of inappropriate methods and materials that build future issues into built fabric.

Text to read: *Where a development proposal would harm the significance of a designated heritage asset ~~the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal.~~ **the harm should be weighed against the public benefits of the proposal, including where appropriate, securing a use for the asset that is consistent with its conservation.** Important public benefits can include securing the long-term re-use of a vacant or underused listed building, and enabling **sympathetically achieved** energy efficiency and low carbon heating measures to be employed.*

Footnote 75 Whilst we welcome the intention to improve clarity for decision making where significant but undesignated assets with archaeological interest would be impacted, the revised text does not capture all the relevant eventualities required of it. This is partly a result of the form significant buried archaeological deposits can take. We recommend returning to the phrasing of this footnote in the 2024 NPPF draft and referencing an enhanced definition of 'designated heritage assets' in the glossary (Annex B). Alternatively, 'Non-designated heritage assets with archaeological interest' could be added separately to the glossary (Annex B) using the second half of the recommended Glossary definition set out below.

Text to read: *Footnote 75* Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Glossary definition of 'designated heritage assets': A World Heritage Site, scheduled monument, listed building, protected wreck site, registered park and garden, registered battlefield or conservation area designated under the relevant legislation **or UNESCO Convention. Non-designated heritage assets with archaeological interest** that the decision-maker has recognised as being of national importance but have not yet been designated as a Scheduled Monument (or as a different type of designated heritage asset), **or their physical form precludes scheduling**, should be considered subject to the policies for designated heritage assets.



190) Do you agree with the new policies in relation to world heritage, conservation areas and archaeological assets in policies HE8 – HE10?

* partly disagree

* The CBA believe the management of both World Heritage Sites and Conservation Areas require a consistent approach in planning policy. To achieve this, we advise some revisions would improve both HE8 and HE9.

* Use of the term '*preserve*' rather than '*conserve*' promotes an antiquated approach to heritage assets. '*Conserve*', as currently used in the NPPF, articulates the contemporary approach of '*managing change*' to heritage assets in a way that conserves their significant components through repair and reuse whilst facilitating their ongoing and legible evolution, as part of sustainable development. We advise that the terms '*conservation*', '*conserve*' and '*conserved*' should be used throughout the NPPF in place of the terms '*preserve*' or '*restore*' regarding heritage assets.

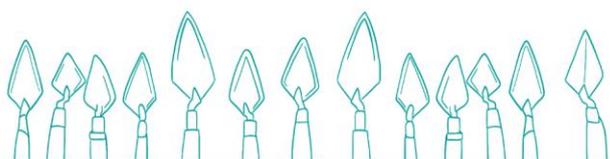
* It is important that the cumulative impacts of development in conservation areas is considered in decision making, in a similar way to World Heritage Sites (c.f. policy HE8.1.c. '*assessment of impact, including any potential cumulative impact, on the significance ...*'). Although we support the principle of HE9.2, when viewed in conjunction with HE2.2 there is a risk that a default 'yes' approach towards development proposals, decided in isolation from each other, will erode the character and appearance of conservation areas, resulting in them no longer meeting the standards for the designation of the area.

* Both HE8.3 and HE9.3 advise applications should be 'approved' if they meet the single stated criteria. We advise that revising this to 'should be supported' would allow a more balanced approach to considering multiple impacts from development proposals in decision making, whilst maintaining a presumption in favour of proposals with positive effects on the character and appearance of conservation areas and OUV of World Heritage Sites.

To remedy the above issues we recommend the following revisions:

HE9.1.a) *Retain and ~~restore~~ conserve buildings and other features which make a positive contribution to the character or appearance of a conservation area wherever possible; and*

HE9.2 *Not all elements of a conservation area will necessarily contribute to its significance. Where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to preserve or enhance, the assessment of impact should take*



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into account the relative significance of the element affected, ~~and~~ its contribution to the significance of the conservation area as a whole, **any cumulative impacts on the significance of the Conservation Area**, and the effects of this considered in accordance with policies HE5 and HE6.

HE9.3 Proposals that ~~preserve~~ **conserve** those elements of a conservation area that make a positive contribution to it (or which better reveal its significance) should be ~~approved~~ **supported**.

HE10: Archaeological Assets

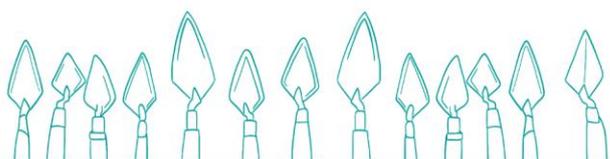
The CBA believe the premise of HE10 is fundamentally flawed. 'Archaeological assets' is not a defined or recognised term. From the context it is clear this policy is referring to buried archaeological deposits. Crucially, 'archaeological interest' (recognised and defined in legislation and policy) exists in physical remains of past human activity, found above and below ground, at a landscape scale and woven throughout urban grain.

The CBA strongly disagree with consideration of assets with archaeological interest being separated from consideration of other heritage assets as part of the approach established in policies HE4, HE5, HE6 and HE7 for conserving and enhancing the historic environment. An assessment of significance of all heritage assets that would be impacted by development proposals should be undertaken at an early stage to inform the design evolution of proposals in a way that meets the objectives of chapter 20. We strongly advise that the requirements of policy HE10 are reintegrated into other policies within this chapter. This would also eliminate the repetition that appears between HE10.1 and HE5.5 at present, as well as between HE10.2 and HE11.1.b)

* Archaeological mitigation strategies have the potential to deliver social value and public benefit outcomes that can make invaluable contributions to place shaping strategies as part of sustainable development. This has been evidenced by parallel planning policy in [Scotland's NPF4](#) (Policy 7.o.). For such projects to happen, they need a hook in national planning policy and corresponding opportunities included in planning conditions. The CBA are recommending minor revisions to policies HE4.1.b) and HE11.1.b) to enable these public benefit outcomes.

HE10.1. Remove. Amalgamate policy with HE5.5 and relocate at the end of HE5.1 or as HE5.2.

Text to read: ~~Where a development proposal involves, or has the potential to involve~~ **site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, an appropriate desk-based assessment**



should be ~~employed~~ **undertaken**, and, where necessary, a field evaluation, **helping to understand the asset's significance and the potential effect on this, which should inform the design, mitigation and implementation of the development.**

[also set out in response to Q. 188]]

HE10.2. Remove. Amalgamate policy with HE11.1.b

Text to read: **Applicants should be required to demonstrate understanding of the significance of the asset to be lost and create associated public benefit through activities secured by planning conditions or planning obligations. The applicant should ensure that the work required, as set out below, is undertaken by suitably qualified individuals or organisations and should:**

- i) *record and advance understanding of the significance of the asset to be lost in a manner proportionate to its importance and the potential impact upon it; and*
- ii) *should make this evidence (and any archive generated) publicly accessible, **with any reports generated** by being deposited in the relevant Historic Environment Record, and any archives **deposited** with a local museum or other public depository **which will require legal title to be transferred.***

[also set out in response to Q. 191]]

191) Do you have any other comments on the revisions to the heritage chapter?

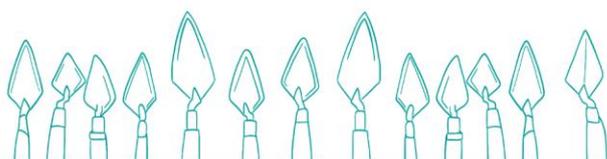
* Yes

* The CBA wish to make recommendations regarding policies HE4, HE7 and HE11.

HE4: Securing the conservation and enhancement of heritage assets

As noted in the CBA's response to Q. 190), we advise that 'conserve' is used in place of 'preserve' (as used in the NPPF at present), which is terminology consistent with managing change to the historic environment rather than casting heritage assets as 'preserved', presenting them as immovable 'blockers' to development.

We welcome the principle in **HE4.1.b)** that the significance of heritage assets can be enhanced, this can be especially relevant for heritage assets with archaeological interest. The material record is a primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. Public engagement with and understanding this material record can make archaeological mitigation strategies a really



powerful tool / approach towards place shaping strategies when it is conditioned as part of development. We encourage the additional text (set out below) to explicitly identify how this positive contribution to social value can be realised.

Text to read: *Avoid harm to the significance of heritage assets and instead preserve conserve and enhance this significance. The significance of heritage assets, particularly those with archaeological interest, can be enhanced by increasing our understanding and knowledge of them as well as through activities that contribute social value outcomes, including place shaping strategies.*

HE7: Decisions on non-designated heritage assets

We recommend changing the policy requirement that applications should be 'approved' if they meet the single stated criteria to 'should be supported.' This revision would allow a more balanced approach to considering multiple impacts from development proposals in decision making, whilst maintaining a presumption in favour of proposals with positive effects on non-designated heritage assets.

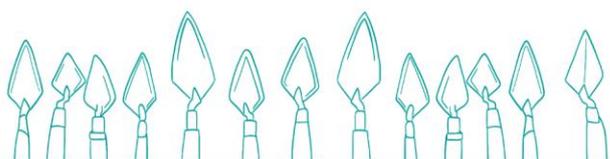
Text to read: *Development proposals which would have a positive effect on non-designated heritage assets should be ~~approved~~ supported.*

HE11: Loss or Removal of Heritage Assets

As stated in our response to Q. 190), the CBA believe the policies set out in HE10 should be reintegrated with other policies in chapter 20 to avoid the inference that buried archaeological deposits should be managed in a different way to upstanding heritage assets. We advise amalgamating the policy position in HE10.2 and HE11.1.b. This revision avoids unnecessary duplication between the two paragraphs. The recommended reference to the agreement by legal owners is to remedy an issue currently experienced by museums and archives facilities.

Text to read: *Applicants should be required to demonstrate understanding of the significance of the asset to be lost and create associated public benefit through activities secured by planning conditions or planning obligations. The applicant should ensure that the work required, as set out below, is undertaken by suitably qualified individuals or organisations and should:*

- i) *record and advance understanding of the significance of the asset to be lost in a manner proportionate to its importance and the potential impact upon it; and*
- ii) *should make this evidence (and any archive generated) publicly accessible, with any reports generated by being deposited in the relevant Historic Environment Record, and any archives deposited*



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*with a local museum or other public depository **which will require legal title to be transferred.***

