

## **SAL's response on the redrafted NPPF**

### ***Q4 Do you have any other comments on the text of Chapter 2?***

The changes in this Chapter which give weighting in favour of sustainable development reduce the effect of the careful balances in the existing NPPF which give LPAs the ability to reject schemes which damage heritage.

- The clear commitment to a positive improvement in the quality of the built, natural and historic environment which is given in existing NPPF para 9 should be reinstated.
- The three objectives (formerly 'dimensions') to sustainable development should constitute the criteria against which every decision should be judged.
- The protections for heritage (and any presumption in favour of that protection) will be lessened by requiring in new para 11 that LPAs have two tests for refusing development: a 'strong reason for restricting' in 11 b)i and 'a clear reason for refusing' in 11 d)i. This wording could invite legal challenge to the strength or the clarity of the reasons for refusing development even where a heritage asset is involved. The sense of NPPF's existing text from original para 14 'except where policies in this Framework indicate development should be restricted' should be retained.

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

We consider that the omission from the new text of paras in the existing NPPF which detailed subject-based evidence in a Local Plan (existing paras 158-177) is a significant loss. In particular this means that policy on identifying land where development would be inappropriate because of its historic significance (existing para 157) and the use of landscape character assessments (para 170) are no longer explicitly part of Government policy. This is a backward step.

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

We welcome the full recognition now given to WH sites as the prime example of sites of the highest heritage significance at para 182, and the concomitant endorsement of their Outstanding Universal Value. We also welcome the statement that 'great weight should be given to the conservation of a heritage asset, irrespective of the degree of potential harm to its significance' (para 189).

We do not think that the new NPPF adequately safeguards the protections available within planning policy for undesignated archaeology (current policies 128, 135, 139, 141 & 169 in the NPPF). It is through the consideration of undesignated assets within the planning system, and subsequent investigation if this is deemed necessary, that our understanding of the development of our society and the landscape in which we live has been transformed in the last two-and-a-half decades. Whilst much of the wording of the current policies has been retained in the new NPPF - although para 139 has now become a footnote - the suggested changed wording (eg at para 11, Chapter 2, or on Historic Environment Records - see below) within the new draft NPPF is a significant step backwards in terms of policy weight affording protection for the historic environment.

A key issue is the apparent reduction in policy support for Historic Environment Records (HERs) and the curatorial service based on them. The MHCLG's briefing note says that the provisions of the new Acts (especially Permission in Principle - PiP) will place a much greater weight on HERs to provide up-front information, and yet their policy status ("Every local planning authority should maintain a HER or have access to one" - new NPPF Glossary) is now a long way from their actual status as a key planning and information tool which can provide the 'strong' or 'clear' reasons for affording protection for the historic environment. Regulations and guidance for PiP and for pre-

commencement conditions which firmly place a spotlight on the need for this information about the historic environment are clearly needed, if HERs are not to be further marginalised, and their importance quietly dismissed.

The definition of HERs in the glossary as 'resources' rather than 'services' (as in the current NPPF), if adopted would be a shift in perception and role which would alter the way in which planners and developers approach their use and value their usefulness. Strictly the HER is the database/ resource (of wide value for research as well as informing management of the historic environment), while the curatorial role is the service which draws on that resource to provide advice on archaeology within the planning system.

***Q43 Do you have any comments on the text of the Glossary?***

The definition of Historic Environment Record in the existing NPPF ("Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographical area for public benefit and use") conflates the issue of resource and benefit. The proposed new definition ("Comprehensive, publicly accessible and dynamic resources that provide information about the local historic environment. Every local planning authority should maintain a HER or have access to one.") limits the definition to the database; the second sentence is a clear statement of policy which should be in the main text, as it was in the existing NPPF, para 169. We consider that the access to a HER must continue to include its providing a curatorial 'service', whose contribution ensures that conflict with archaeology is rarely a reason for refusal, as the development sector itself recognises.

The omission from the Glossary of a definition of the historic environment is unfortunate, given that Chapter 16 takes it as its subject. Since the scope of paras 183 and 188(c) continues to extend beyond 'heritage assets' to 'local character and interest', and para 193 relates specifically to non-designated heritage assets, the aim is clearly not to limit the scope of the chapter to designated heritage assets; but this omission makes the interpretation of the scope of the chapter less clear than it should or need be. We consider that the Glossary should contain a definition of the historic environment as per the existing NPPF:

**Historic environment:** All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

The new definition of Archaeological Interest has omitted the words "Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them." Since these words provide the rationale for archaeological interest to be the 'clear' or 'strong' reasons for restriction of development (in para 11 of the proposed NPPF), this sentence should be reinstated as a justification of the policy for protection of this part of the historic environment.

