

Draft National Planning Policy Framework – July 2011

Summary and comments

London Context

1. *There is no recognition of the existence of the London Plan.*
2. **Delivering Sustainable Development**
  - 2.1 The definition of sustainable development has not been altered from the 1987 Bruntland definition – “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. (Para 9)
  - 2.2 *Although the definition of sustainable development remains the same, there has been a subtle change in the meaning it is given, whereby development and economic growth are seemingly interchangeable. This is key to the understanding of the proposed policy framework.*
  - 2.3 There is to be a presumption in favour of sustainable development which “should be taken as a golden thread running through both plan making and decision taking”. Decision takers at every level should assume that the default answer to development proposals is “yes” except where this would compromise the key sustainable development principles set out in the framework (Para 19).
  - 2.4 *Bearing in mind the emphasis on ensuring economic growth in the NPPF, it will be of concern that lesser weight could be given to local plans and local considerations.*
3. **Plan-making**
  - 3.1 Development Plans must aim to achieve the objective of sustainable development. Each local planning authority should produce a Local Plan for its area. (Paras 20-21)
  - 3.2 *Amendments to the Local Planning Regulations, which contain more detail about plan production, have been released for consultation. Overall, changes to the process of plan making are unlikely to have major implications for the development of Bromley’s Core Strategy (which will need to become the Local Plan).*
  - 3.3 Additional Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) should only be necessary where their production will bring forward sustainable development at an accelerated rate. (Para 21)
  - 3.4 *Bromley had not identified the need for any further DPDs (the Area Action Plan for Bromley is a DPD), but additional SPDs have been suggested. SPDs have historically been very useful in aiding the understanding of policies and can be relatively quick to produce and update. Their value – in terms of clarity and consistency - should not be underestimated.*
  - 3.5 One key new requirement of a Local Plan is that they should identify areas where it may be necessary to limit freedom of change of use. This reflects proposed changes outside this framework to enable more flexible use and conversion of commercial property. (Para 24)

- 3.6 *Clearer guidance is needed on how this could be achieved.*
- 3.7 In the absence of an up-to-date and consistent plan, planning applications should be determined in accord with the NPPF including its presumption in favour of sustainable development (Para 26).
- 3.8 *What is to be considered “up-to-date”? How will this be decided? Should a situation arise in which this NPPF is used to directly determine an application, is it considered fit for purpose? The lack of detail suggests even more ambiguity and varying interpretation is likely. The presence of the London Plan means that it would not only be the NPPF that should be taken into account. Clearly, ensuring the Local Plan is up to date is key to reducing the risk of this approach.*

#### Evidence Base

- 3.9 Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Evidence is likely to be required on housing, business, infrastructure, security, environmental issues, the historic environment and viability. (Para 27)
- 3.10 *This highlights the need for ongoing resources to support the development and monitoring of robust local information.*

#### Housing Requirements

- 3.11 Local planning authorities should use a Strategic Housing Market Assessment (SHMA) to identify the need and demand for housing and the scale of housing supply during the plan period. The Assessment should consider the scale and mix of housing and should address the need for all types of housing, including affordable housing and the needs of different groups in the community (such as families with children, older people, disabled people, service families and people wishing to build their own homes). (Para 28)
- 3.12 *The use of the SHMA is retained from PPS3. Bromley will need to consider future updates of the existing SHMA and the approach to and timing of that (previously undertaken on an SE London basis). It would be useful to indicate if the Government is planning to provide any specific guidance on SHMA or SHLAAs or if existing guidance will be retained.*

#### Ensuring viability and deliverability

- 3.13 To enable a plan to be deliverable, the sites and scale of development identified should not be subject to such a scale of obligations and policy burdens as to threaten viability. Costs of requirements should provide acceptable returns to a willing landowner and willing developer. Community Infrastructure Levy (CIL) charges should be worked up and tested alongside the Local Plan. (Paras 39-43)
- 3.14 *The NPPF continues the existing guidance to local authorities that s106 requirements, including affordable housing, must take account of financial viability to enable delivery.*

#### Examining local plans

- 3.15 Local Plans will continue to be subject to independent examination and will need to be found “sound” when considered against four tests – the plan should be:
- Positively prepared – base on a strategy to meet objectively assessment development and infrastructure requirements, where it is practical to do so with the presumption in favour of sustainable development
  - Justified
  - Effective, and
  - Consistent with national policy
- (Para 48)

*3.16 The requirements for examination and soundness are broadly retained, though the first “test” is new. The amendments to the Local Planning Regulations outline changes to the Examination process in more detail.*

### Neighbourhood Plans

- 3.17 Neighbourhood Plans should be in general conformity with the strategic policies in the Local Plan. Local planning authorities should therefore set out clearly their strategic policies for the area. Neighbourhoods will have the power to promote more development than is set out in the Local Plan. They can be used to develop a shared vision, set planning policies and give planning permission through Neighbourhood Development Orders and Community Right to Build Orders. They will be subject to independent examination. (Para 50)

*3.18 The NPPF reinforces the need for a sound Local Plan, developed in collaboration with all key stakeholders and particularly local communities.*

## **4. Development Management**

### Pre-application engagement and front loading

- 4.1 The primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development. The Local Plan (including any neighbourhood plans) is the starting point for determination of applications. “Front loading” including pre-application discussions are encouraged. Lists of information requirements for applications should concern material that is proportionate, relevant and necessary in relation to the particular proposal.

*4.2 Much of this guidance reflects existing practice. The Planning Department encourages pre-application discussion, and the Local Information Requirements agreed by the Development Control Committee reflect Government advice, such documentation only being requested at officers’ discretion when necessary.*

### Tailoring planning controls to local circumstances - Neighbourhood development and community right to build orders

- 4.3 Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development. Neighbourhoods can use neighbourhood development orders to grant planning permission, developments permitted in this way will not require further planning permission from local planning authorities. Community Right to Build Orders will require the support of the local community through a referendum. Local planning authorities should work with communities collaboratively to resolve issues regarding such proposals.

- 4.4 *These provisions are unclear. Presumably there will be more information when the Localism Bill progresses further through Parliament.*

#### Determining applications - Planning conditions and obligations

- 4.5 Local authorities should still consider using conditions or planning obligations to make unacceptable development acceptable, however, it is explicit that they should avoid unnecessary conditions or obligations particularly where this would undermine the viability of development proposals (Para 67-70).
- 4.6 *It is noted that Circular 11/95 The Use of Planning Conditions is to be retained, but 05/2005 Planning Obligations is to be cancelled. The explicit use of purely 'necessary' planning obligations is already statutorily regulated. However in the context of 'viability', for London the Mayoral Community Infrastructure Levy (which is non- negotiable by Local Authorities) on top of our own necessary requirements could risk development viability and consequently communities would not benefit. The nature of the NPPF should be that of long term strategy however, this document seems to be an inappropriate short term solution reflecting the current market conditions of low economic growth rather than acknowledging inevitable long term changes in land and development costs.*
- 4.7 *Generally regarding the advice about development management, there are concerns that the NPPF will create ambiguity, policy gaps and uncertainty. Much of the existing guidance in the form of Circulars, PPGs and PPSs and other documentation provides helpful, detailed and clear guidance on a wide range of planning issues. Such guidance which has been refined and built up over many years is essential for efficient development management. There is concern that the NPPF, which removes most of this at a stroke, and is scant on detail in many areas, could lead to a policy framework 'void'. Far from speeding up the planning process, it may in fact slow things down because of ambiguity, lack of detail, and possible conflicts between sections of the NPPF. It is likely that much of the NPPF will require further expansion and clarification for it to be useful for development management purposes.*

### **5. Planning for prosperity**

#### Business and economic development

- 5.1 The Government's objectives are to plan proactively, to meet the development needs of business and support an economy fit for the 21st century (Para 72). Local Planning Authorities should set out a clear economic vision and strategy for their area which positively and proactively encourages economic growth (para 73) however, planning policies should avoid the long term protection of employment land or floorspace and applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses. (Para 75)
- 5.2 *It appears the objective in Para 72 – to plan to meet development needs – contradicts the policy in Para 75 which could reduce the amount of land available for such needs. Despite the desire to increase more flexibility in the use of land, it is possible that this policy could also lead to inappropriately located uses.*
- 5.3 Planning policies should recognise the importance of town centres and include policies to support their continued development through their definition, designation of frontages and allocation of sites to meet the scale of development needed. Where

sites are not available, planning authorities should undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites. A sequential test should be applied for retail and leisure uses that are not in a town centre or in an up to date local plan. (Paras 76-80)

- 5.4 *Whilst much of this policy area is retained from PPS4, a key change is the removal of office uses from the existing sequential approach that favours town centre schemes over out-of-town developments. The Impact Assessment says this is likely to lead to developers having a wider choice over where they can seek planning permission for new office space but this may undermine the strategy of seeking to retain and develop office uses in our town centres.*
- 5.5 *The proposed policy also leaves out the detail in PPS4 Policy EC4.1 which recognised that the need to support “shops, services and other important small scale economic uses (including post offices, petrol stations, village halls and public houses) in local centres and villages”, the retention and enhancement of existing markets, and the established character and diversity of town centres. It appears that the NPPF could direct local policies to be set aside to deliver the government’s growth agenda in response to market-led demands rather than to promote truly sustainable development for neighbourhoods and for local and wider than local areas.”*
- 5.6 A Retail Impact Assessment will be required for retail/leisure developments outside town centres. (para 79 and Impact Assessment p37).
- 5.7 *This requirement is retained from PPS4, however, the Impact Assessment for the draft NPPF suggests that retail impacts should be assessed over 10 years, rather than 5 as previously.*

## Transport

- 5.8 The planning system should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. (Para 83)
- 5.9 *“Reasonable to do so” provides some flexibility where developments are remote from public transport.*
- 5.10 All developments that generate significant amounts of movement, as determined by local criteria, should be supported by a Transport Statement or Transport Assessment. However, development should not be prevented or refused on transport grounds unless the residual impacts of development are severe. (Para 86)
- 5.11 *While on the one hand this appears to strengthens our current ability to require transport assessments and travel plans it also appears to negate the authority’s ability to mitigate adverse transport impacts, particularly in the context elsewhere in the framework of increased presumption in favour of development and developer judgement of viability.*
- 5.12 A key tool in promoting sustainable transport modes will be a Travel Plan (Para 90)
- 5.13 *While the explicit requirement for a travel plan is welcomed, the main issue is enforceability. Travel plans are not a one-off document and need to be monitored to ensure they are being adhered to. Ideally they should be reviewed/updated with the authority on a three year cycle. This is particularly important because travel plans do*

*not just impact on the physical fabric: they require active management as managers and employees move on. It is important that the Framework gives them some “teeth”.*

5.14 When setting standards for residential and non-residential development, local planning authorities should take into account ‘local car ownership’ (para 93)

5.15 *While this comment is in line with the recently amended PPG13, a reference to the approach taken to the London Plan would be helpful to avoid confusion on the subject.*

## **6. Planning for people**

### Housing

6.1 The Government’s key housing objective is to increase significantly the delivery of new homes. Local Planning authorities should identify sites key to the delivery of housing and maintain a rolling supply of specific deliverable sites to provide five year’s worth of housing against their housing requirements. The supply should include an additional allowance of at least 20% to ensure choice and competition in the market for land. (Paras 107-109)

6.2 *Considering the difficulty in finding suitable sites in Bromley and the historic reliance on windfalls, it is likely that the identification of an additional 20% is unrealistic. This approach is not consistent with that of the London Plan and will increase pressure to develop in areas of constraint such as Conservation Areas and on open space.*

6.3 To deliver a wide choice of quality homes and widen opportunities for homes ownership, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. They should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and where they have identified affordable housing is required, set policies for meeting this need on site unless off-site provision can be robustly justified (Para 111)

6.4 *This is consistent with the requirements for research and analysis as set out in the chapter headed ‘Plan-making’, and reflects current practice. The framework also reiterates the existing government policy expectation that affordable housing is provided on site, unless it can be “robustly justified”,*

6.5 Local authorities should avoid isolated homes in the countryside unless there are special circumstances such as (for example) where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or where a building would be of an exceptional quality or innovative design. (Para 113)

6.6 *It is considered that this could encourage a practice of allowing buildings in the countryside to fall into disrepair in order to take advantage of this policy.*

### Design

6.7 The Government’s objectives for the planning system is to promote good design that ensures attractive, usable and durable places. Local Plans should develop robust and comprehensive policies that set out the quality of development that will be



expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its present defining characteristics. (Para 114-116)

- 6.8 *The development of the Core Strategy has begun with a character analysis of the Borough as a whole and its composite places. This provides a robust starting point for considering design objectives.*
- 6.9 Planning policies should ensure that a place will function well over the lifetime of the development, optimise the potential of the sites, respond to local character and reflect the identity of local surroundings, while not preventing or discouraging appropriate innovation. Developments should create safe and accessible environments which are visually attractive. (Para 116)
- 6.10 *In terms of building design, whilst this policy seems to respect local character, there is some contradiction with Para 151 on highly sustainable buildings (see below).*
- 6.11 Whilst design codes may help deliver high-quality outcomes, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout and access of new development. (Para 117)
- 6.12 *While Bromley does not set out such detailed policies, the London Plan design guidance is more prescriptive.*
- 6.13 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. (Para 118)
- 6.14 *The requirement not to attempt to impose architectural styles or tastes appears to be in conflict with the advice in para 116 to “respond to local character and reflect the identity of local surroundings”. Clarification will be necessary to indicate how will this contradiction be resolved when considering refusals on the basis of proposals being “out of character”?*

### Sustainable communities

- 6.15 The planning system can play an important role in facilitating social interaction and creating inclusive communities. Planning policies and decisions should aim to design places which promote, opportunities for meetings between members of the community who might not otherwise come into contact with each other, encourage the active and continual use of public areas, and not undermine quality of life or community cohesion (Para 125).
- 6.16 *Reiterates the explicit role of planning in delivering cohesive communities.*
- 6.17 Deliver community facilities and local services, safeguarding against the loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs (Para 126)
- 6.18 *The proposed policy strengthens the position asking local councils to consider the availability and viability of community facilities as part of the plan making process.*

*This policy is applied to all community facilities and not just those within defined local centres and villages (as previously in PPS4).*

- 6.19 Local authorities should take a proactive, positive and collaborative approach to the development of schools by working with schools promoters to identify and resolve key issues before applications are submitted. In determining planning applications for schools, local planning authorities should:
- attach very significant weight to the desirability of establishing new schools and to enabling local people to do so
  - seek to mitigate any negative impacts of development through the use of planning conditions or planning obligations, as appropriate; and
  - only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area. (Para 127).
- 6.20 *This goes further than the recent policy statement on “Planning for Schools Development” (15th Aug 2011) which indicates that the Secretary of State “will attach significant weight to the need to establish and develop state funded schools”.*
- 6.21 *No other use in the NFFP is afforded “very significant weight” (eg harm to the Green Belt is only afforded “substantial weight” (para 143) and hence there needs to be clarification about how this weight relates to the potentially conflicting objectives in the NPPF.*

#### Open space, sports and recreational facilities

- 6.22 Planning policies should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. This information should be used to set locally derived standards for the provision of open space, sports and recreational facilities. (Para 128)
- 6.23 *The Audit and Strategy undertaken to comply with PPG17 provides this information, but needs to be kept under review, including regular surveys of usage and opinion surveys of provision and standards.*
- 6.24 Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment clearly shows the open space, land or buildings to be surplus to requirements or the needs clearly outweigh the loss. (Para 129)
- 6.25 *How will “surplus to requirements” be judged, over what scale and what time period? How is this proposed to work in designated open spaces such as Green Belt, Metropolitan Open Land and Urban Open Space with the functions they are afforded? Could this clause in any situation override those protective policies, despite the existence of a Local Plan and the London Plan? There is concern that the presumption in favour of (sustainable) development set out in this Framework may encourage increased speculation in building on playing fields and former recreational open space, particular in light of the proposed adjustments in national Green Belt policy and Community Right to Build (see below).*

#### Local Green Space

- 6.26 Local communities, through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. The designation



will rule out development except in very special circumstances. It should only be used where the space is close to a centre of population, where is demonstrably special to a local community and holds particular significance because of its beauty, historic importance, recreational value, tranquillity or richness of its wildlife. (130-132)

*6.27 It is suggested that Local Green Space should be managed in line with Green Belt policy.*

### Green Belt

6.28 The fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open. The five purposes are:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

(para 133-134)

*6.29 While the aim and purposes of Green Belt remain the same, the Impact Assessment states that policy changes are needed because the current policy is very restrictive. Reference to the uses of land in the Green Belt, particularly for agricultural, forestry and related uses has been removed. The London Plan reiterates the national policy for London's Green Belt, requiring its protection from inappropriate development. It refers to PPG2 and its "clear guidance" on its functions, characteristics and acceptable uses.*

6.30 Inappropriate development is, by definition, harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations. (Para 142)

*6.31 The principle of inappropriate development remains, although PPG2 also stated that it is for the applicant to show why permission should be granted.*

6.32 Exceptions, in terms of the construction of new buildings, to inappropriate development include buildings for agriculture and forestry, appropriate facilities for outdoor sport and recreation, cemeteries, replacement of buildings and extensions provided that it does not result in disproportionate additions over and above the size of the original building. (Para 144)

*6.33 The provision of essential facilities for outdoor sport has been altered to appropriate, and the right to alter/replace now applies to all buildings, not just dwellings.*

6.34 Other forms of development are also not inappropriate, including mineral extraction, engineering operations, local transport infrastructure, re-use of buildings and development brought forward under a Community Right to Build Order, and provided they do not conflict with the purposes of including land in the Green Belt.(Para 145)

*6.35 The changes include extending the rights of Park and Ride to other local transport infrastructure and the new clause on Community Right to Build, to be brought forward through the Localism Bill. The Impact Assessment states that the Right to Build will help tackle rural housing issues and may involve small-scale schemes of 5 to 10 units. It states that the development would only come forward if "the community" agree, but precedence of development in a Green Belt location has a wider impact.*

*There is obvious concern that this will increase development in the Green Belt, contrary to its fundamental aim and could weaken Green Belt policy in the future. Considering the national and regional importance of Green Belt, it is suggested that Community Right to Build should not be permissible in the Green Belt or at the minimum it should only be agreed through a Local Plan rather than a Neighbourhood Plan.*

- 6.36 There is no guidance on agricultural buildings, as in PPG2, which was aimed at preventing an abuse of permitted development rights. It advised that Councils should consider whether such rights should be removed in certain situations. This advice no longer exists but clearly the action could still be taken.

## **7. Planning for Places**

### Climate change, flooding and coastal change

- 7.1 When setting local requirements for a building's sustainability, local authorities should be consistent with the Government's policy and adopt national standards (for example, Code for Sustainable Homes or equivalents). (Para 150)
- 7.2 Key to Bromley is the presence of the London Plan, the policies of which are used in particular to guide major developments to improve their carbon emissions. The policy requires a 25% reduction in carbon emissions over and above the Building Regulations. Should the Borough wish to improve upon this, bearing in mind viability issues, it may wish to look at providing more guidance on smaller schemes, which are not currently a local priority. The NPPF allows for this to be considered.*
- 7.3 Local Planning Authorities should not refuse planning permission for well-designed buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape unless the concern related to a designated heritage asset and the impact would cause material harm to the asset or its setting, and this harm is not outweighed by the proposal's wider social economic and environmental benefits. (Para 151)
- 7.4 Notwithstanding the support that should be afforded to well-designed, sustainable buildings, this appears to be an area of conflict with conserving local character, and may lead to appeals*
- 7.5 Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low-carbon sources. There should be a positive strategy to promote energy from zero and low-carbon sources and opportunities to support or develop renewable and low carbon energy, including decentralised systems, should be considered. (Para 152)
- 7.6 This policy area is covered in more detail in the London Plan. Within the reduction of carbon emissions expected from Major developments, there is an assumption that at least 20% will come from renewable sources, and Boroughs need to consider local opportunities for energy production in their Local Plans.*

### Vulnerability and flood risk

- 7.7 Local plans should be supported by strategic flood risk assessment and local planning authorities should ensure that planning applications don't increase flood risk elsewhere and are informed by a site specific flood risk assessment. (Paras 154-158)

7.8 *At present PPS25 and its Practice Guide provide invaluable objective technical guidance for developers and planners. How will such guidance be provided in future? Without it, resolving flood risk issues on development sites will be problematic, if poor decisions are made to grant permissions in such cases the public could become subject to hazards caused by future flooding, conversely if authorities find they have to adopt a safety-first approach more appeals may result.*

### Natural environment

7.9 The planning system should aim to conserve and enhance the natural and local environment by:

- protecting valued landscapes
- minimising impacts on biodiversity and providing net gains in biodiversity, where possible; and
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability. (Para 164)

7.10 *It would be helpful to refer to the need to manage existing biodiversity.*

7.11 Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites as part of the LDF (Para 166)

7.12 *Further guidance on criteria is needed – will they be purely locally devised?*

7.13 When determining planning applications in accordance with the Local Plan and the presumption in favour of sustainable development, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted
- opportunities to incorporate biodiversity in and around developments should be encouraged
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats (Para 169)

7.14 *There needs to be more clarity over the nature of compensation in this context. If there is to be a national trial in biodiversity offsetting ie biodiversity works off site to compensate for loss on site, we would need to work up criteria for this and a scale of charges, Clarification is needed of what is irreplaceable – species rich grassland, ponds, ancient hedgerows?*

7.15 Paras 171-175 concern risks from pollution, land instability, noise, air pollution and lighting. The advice given sets out very general principles regarding local policies and decisions, and in the main these reflect existing planning policies and practices but the text is very brief.

7.16 *It is unclear why these wide-ranging environmental issues are dealt with in the section on the natural environment. Water pollution is not mentioned. These are all technical*

*issues and cancellation of the guidance in PPG14, PPS23 and PPG24 on unstable land, pollution and noise will leave a policy and guidance vacuum for applicants and planners, as such making decisions on these issues will be problematic.*

## Historic environment

- 7.17 The Government's objective is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations (para 176). Planning for the historic environment should:
- conserve heritage assets in a manner appropriate to their significance; and
  - contribute to our knowledge and understanding of our past by capturing evidence from the historic environment and making this publicly available, particularly where a heritage asset is to be lost. (Para 177).
- 7.18 *There is concern that this policy infers a greater acceptance of the loss of heritage assets that previously. How will significance be determined? Will this be determined locally?*
- 7.19 Where the application will lead to substantial harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply.
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
  - conservation by grant-funding or some form of charitable or public ownership is not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use. (Para 184)
- 7.20 *How can "harm" and "public benefit" be assessed? There is potential for this clause to be used by developers to justify the loss of heritage assets. The concern is that this section of the statement will be used as a charter for demolition. The final point may be open to abuse (although it appears that it cannot be used in isolation from the other points.*