

Planning Policy Consultation Team  
Planning Directorate – Planning Policy Division  
Ministry of Housing, Communities and Local Government  
2 Marsham Street,  
London,  
SW1P 4DF

*Delivered by email.*

[PlanningPolicyConsultation@communities.gov.uk](mailto:PlanningPolicyConsultation@communities.gov.uk)

10 March 2026

**RE: Proposed reforms to the National Planning Policy Framework and other changes to the planning system**

Dear Planning Policy Consultation Team,

CIfA welcomes the chance to respond to this consultation and is grateful to MHCLG for their keen interest in hearing feedback both via this consultation and in meetings prior to this submission.

CIfA broadly welcomes the overall intent of the revised NPPF. The overall layout is a huge benefit and we strongly welcome the addition of alphanumeric paragraph numbers. We also welcome a number of specific changes to Chapter 20, including changes made to clarify on the role of applicants in assessing significance; the expanded references to National Importance in Footnote 75; and the reference to suitably-qualified individuals and organisations in HE10.2.

Our key comments relate to:

- **Archaeology:** We welcome the specific attention given to archaeological issues in the draft, however, we are concerned that existing policy HE10 causes confusion that damages the overall clarity over heritage assets. Our suggested changes seek highlight where archaeological processes (e.g. relating to the evaluation of the potential for below ground heritage assets in advance of development) merit specific attention, without pigeon-holing heritage assets with archaeological interest or implying separation from other types of heritage asset.
- **Assessing heritage in the local development plan:** Many of our comments in this consultation refer to the need to take adequate account of known information about the historic environment and apply expert consideration of archaeological sensitivity at both a plan-making stage, and early in an application process. We believe that the historic environment needs to be appropriately understood and considered as significant contributing factor to plan-making, is the Government's approach to rules-based planning policies are to be sustainable and provide real transparency to applicants. We recommend for example, identifying broad locations where development may be constrained or where opportunities exist relating to the historic

environment in local plans, scoping the contribution heritage can make to developments, and ensuring that data is adequately collected and utilised to inform decision-making.

- **Place-shaping and public benefit:** One of the main values of the historic environment is that it enriches places, giving them character, distinctiveness, and anchoring local identities. While we welcome the NPPF's approach to articulating the need for conservation and enhancement of the historic environment, we want to make sure that the positive opportunities to utilise heritage assets to create public benefits. We welcome the various hints at this in the document, and suggest some additions to improve clarity in particular areas.

Please find below the response to the above consultation. Our comments have also been submitted via the online CitizenSpace form, but are more readable here.

**Consultation questions:**

**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?**

Partially agree.

CfA broadly welcomes the attempt to clearly separate plan making and development management policies. For the most part, we think that this has increased clarity in the presentation of policies.

However, in some places (our main focus is on Chapter 20) wording from the old NPPF was relevant to both plan-making and decision-taking. In some of these places, wording which is substantially retained now only applies to one or other section. We think that most of these issues can be easily fixed with the addition of a few extra words in suitable paragraphs which we outline in our response (See Q187 and Q191).

We do not have a problem with the increased length of the document which is the direct consequence of the separation of plan-making and decision-taking policies.

The new format for numbering policies is extremely helpful and will ensure more seamless updates in future whereby policies will not regularly change numbers with every update.

**3) Do you agree with the proposed set of annexes to be incorporated into the draft Framework? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree. Please provide your reasons, particularly if you disagree.**

Neither agree nor disagree.

The consultation does not make clear the purpose or status of the Annexes to the Framework. We also strongly recommend that better links to content in National Planning Practice Guidance (NPPG) is also articulated within the Framework. NPPG contains vital supporting information and would be a vehicle for explaining certain elements of the policy with which we have concern if it was appropriately cross-referenced in the NPPF.

## Annex C:

At present, Annex C points to Policy HE5 as the NDMP for the chapter. In the current draft we are concerned that without amendment of HE10 to merge HE10.1 with HE5.5 (as we suggest at Q188), there may be confusion over whether archaeological assessment (a desk-based assessment and field evaluation) is part of the information required under Policy DM2. Clear reference in Annex C third column of 'desk-based assessment and/or field evaluation would rectify this concern. MCHLG officials have confirmed verbally it is not the intention of Policy HE10 to suggest that heritage assets with archaeological interest (termed 'archaeological assets' in the draft) are not also covered by HE5, but we suggest revision is needed for clarity. Note proposed amendments to HE5.5 in our answer to Q188.

While HE5 is certainly a vital policy, we consider HE4 (especially HE4.2) also merits inclusion as a key information requirement under DM2.

## Annex B:

### *Archaeological Interest:*

We strongly welcome the retention of the definition of 'Archaeological interest' in Annex B, as its use has been altered in the document itself (a fact that we recommend corrections on in Q190). Retaining this definition in order to explain the use of the term 'heritage assets with archaeological interest' is preferable to use of the term 'archaeological asset'.

### *Conservation (for heritage policy):*

We recommend adding "for example, through archaeological investigation" to the definition of "Conservation (for heritage policy).

### *Designated heritage asset:*

We strongly welcome the addition of new text to the definition of designated heritage asset which states '*Monuments 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) should be considered subject to the policies for designated heritage assets*'. We recognise that this text is quite complex and note that this text is repetitive of what is in in Footnote 75. It may not need to appear verbatim in both locations.

We suggest that this text adds helpful clarification regarding the potential for national importance to be identified by decision-makers in the absence of a Secretary of State decision. We would like to clarify that this includes situations where heritage assets are identified during construction works (e.g. below ground assets with archaeological interest assessed as being of national importance).

However, we recommend slight amendment: It would be helpful to include reference to '**sites which are not eligible for designation as scheduled monuments**' as some categories of

archaeological site – such as sites with strong evidence for prehistoric habitation currently fall outside of the scope of scheduling but may nonetheless be of national importance.

We also suggest that it would be clearer and better to say ‘...but where a decision-maker **presents convincing evidence of potential** national importance...’. This would ensure a proportionate threshold for decision-makers in making such claims.

We do not support the use of terminology in Chapter 20 of ‘archaeological asset’ or ‘monument’ as replacements for ‘heritage asset with archaeological interest’ (See Q190). We advise that these terms are amended in the final version where they have been altered from the 2024 Framework. However, if these terms are not amended, it will be important to ensure appropriate definitions in the Glossary to ensure that there is no confusion with existing definitions of ‘heritage asset’ and that it is clear that ‘archaeological assets’ are also understood to fall within the definition of heritage asset, and designated heritage asset for all other purposes.

We suggest that an ‘archaeological asset’ (if retained as a concept, against our advice) ought to be defined as; ‘a designated or non-designated heritage asset that has a heritage significance substantially composed of archaeological interest. Archaeological assets may be built, buried or submerged. Expert archaeological investigation, recording, dissemination and archiving advances understanding of the asset, which can enhance the significance of the asset, especially if it exploits opportunities for dissemination of information and wider public engagement.’ Retaining ‘archaeological asset’ is not our preferred solution.

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

Neither agree nor disagree.

Our members have communicated a range of views relating to the changes in weighting applied through the revised Framework text. We welcome the government’s explanation that the current difference in terminology (substantial / great / etc.) has not previously been intended to imply a hierarchy. We hope therefore that changing wording will not affect balancing of matters given substantial weight throughout the document.

We reflect further on the changes to substantial / less than substantial weight in policy HE6 in Q189.

Spatial Development Strategies

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

Partly disagree.

We welcome the articulation of Spatial Development Strategies in the new Framework, however, we wish to stress the importance of inclusion of the historic environment within the sub-paragraphs under PM1.2.

This historic environment needs to be appropriately understood and considered as significant contributing factor to strategic development locations as well as being considered at a detailed level.

For example, Strategic planning can potentially identify regional, and landscape scale historic environment constraints and opportunities, tie in to historic environment regional research frameworks and scope potential constraints to inform applicants and local plan-makers.

We strongly encourage government to add a new sub paragraph under PM1.2 to include reference to *'broad locations of historic environment constraint or opportunity and potential to contribute to regional research outcomes'*.

We note that in the existing 2024 Framework, paragraph 20(d), the historic environment is referenced as a strategic issue.

#### Local plans

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

Partly agree.

We welcome the articulation of the simplified scope of local plans and the purpose to set out spatial vision for development in a local area. However, we wish to stress the importance of inclusion of the historic environment to local plans and to highlight the need for supporting information – perhaps in NPPG or elsewhere – for how the historic environment should be considered in local plans.

This historic environment needs to be appropriately understood and considered as significant contributing factor to spatial development planning. For example, local plans should identify landscape level constraints and opportunities for the historic environment, to inform the most suitable locations for development and to scope the likelihood that development may have impacts in areas of known historic or archaeological significance. This may draw on historic environment regional research frameworks and upon known information about the historic environment recorded in Historic Environment Records.

Ideally, we would include a reference to the historic environment within PM2.1a. We acknowledge that the current draft also does not refer to natural environment. While this is not our area of expertise we would also welcome clarity in this policy on other areas like this that it will be expected that local plans should cover. This would allow clearer read-across to policies such as HE1 which sets out requirements for identifying an area's heritage and setting out a positive strategy within plan-making.

We do not agree with the arbitrary limiting of measurable outcomes to 10. This may prevent local authorities from setting locally desirable targets for heritage, design, or place-shaping which we deem to be essential to local plans.

#### General principles for plan-making

#### **11) Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies?**

Partially disagree.

We would welcome the removal of the words ‘where these are necessary and’ from PM6.1b as these words set an unreasonably high bar for policies which might be beneficial in a local context. For example, policies relating to historic landscapes and design.

We are generally supportive of the proposal that new local plans will not duplicate national policies. However, there are a small number of commonly utilised local plan policies which we wish to confirm will still be possible to adopt in local plans. These include policies for identifying archaeological ‘sensitivity areas’ or ‘alert mapping’ which uses known data and predicted archaeological landscape interpretation to set expectations for archaeological works likely to be required if development is proposed in these areas. Our reading of the draft policy is that this would not fall foul of the draft NPPF’s current text, but we would be grateful for confirmation of this and edits to the text if this is not MHCLG’s view.

#### Evidence for plan-making

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

Partially agree.

It is vital that this policy appropriately supports requirements to understand the historic environment in plan-making. Therefore, we support wording on the need to ‘be informed by a baseline understanding of the needs, opportunities, constraints and wider context of the area to which they relate’. However, we do not approve of the slight shift in tone towards reducing time and cost of compiling evidence and recommend that further supporting guidance in NPPG would be useful to expand upon a streamlined but appropriate approach.

We would support further engagement from MHCLG with the historic environment sector to help develop good practice for how historic environment data can be utilised to support plan-making. This should seek to provide better up-front constraint and opportunity mapping, increasing transparency to applicants over the likely costs arising from mitigation works, or highlighting opportunities to make better development (e.g. design) decisions on the basis of local contextual heritage or design benefits.

This policy also underscores the need for the implementation of the statutory Historic Environment Records provision of the Levelling-up and Regeneration Act.

It would also be beneficial if PM8.2d was amended to include tools produced by arms length bodies such as Historic England.

#### Identifying land for development

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

Partially agree.

As stated in our answer to Q13, it is vital that this policy appropriately supports requirements to understand the historic environment in identifying land for development. This policy sits above guidance which must set out appropriate criteria for utilising historic environment information

to scope sustainability of sites proposed for inclusion in land allocations for development. At present, this guidance is inadequate for this purpose.

We urge government to address the lack of clear guidance to support viability assessments that include archaeological potential and built heritage constraints and opportunities. A positive approach taken to the historic environment at the site allocation stage would increase transparency for applicants and ensure that sites could be brought forward for development which were appropriate, designed to conserve and enhance heritage assets, and appropriately plan for any mitigation requirements. A degree of up-front assessment would also avoid allocating land that later proves unsuitable or unviable for development at the planned scale. We would welcome the opportunity to help MHCLG design appropriate and proportionate site-allocation guidance on these issues.

PM16: Examining supplementary plans

PM17: Examining Neighbourhood Plans

**20) Do you have any specific comments on the content of the plan-making chapter which are not already captured by the other questions in this section?**

PM5 refers to 'local heritage assets' and should simply say 'heritage assets'.

### **Chapter 3: Decision-making policies**

DM1: Preparing Development Proposals

**21) Do you agree with the principles set out in policy DM1?**

Partially agree.

We suggest that ambitions for 'concise' planning statements should be reformulated to make clear that this means 'as concise as possible'. Further guidance on the production of statements which are well-written and to the point, would be preferable to an arbitrary desire to be short.

We would also welcome clarity that the information provided should be of sufficient quality to enable the decision-maker to appropriately consider all necessary elements of the proposal and be sufficiently detailed for this purpose.

DM2: Information Requirements

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

Partly disagree

As per our answer to Q3, we are concerned that DM2 and Annex C does not cover all relevant information requirements necessary for validation. In particular, Annex C needs to include the requirement, where relevant, for a desk-based assessment and field evaluation as per HE5.5 and policy HE10 (note that we recommend that policy HE10.1 is reformatted into HE5).

### DM3: Determining Development Proposals

#### **24) Do you agree with the principles set out in DM3?**

Partially disagree.

We are concerned that there is a generally negative tone towards consultation with statutory consultee across the document. We recommend an amendment to DM3.1d to remove the word 'only', or better yet, refer to the statutory requirements and describe consultation needs as 'where required by relevant statute'.

#### **26) Do you have any further comments on the likely impact of policy DM5: Development viability?**

Yes.

We are concerned that there is a difference between viability constraints that are *unforeseen*, and ones which are *unforeseeable*. For example, under DM5.2c, we question whether a site on which policy compliant development is proposed but on which efforts have not been made to identify (at either plan-making or pre-application stage) the potential that the site may be of high archaeological significance would not be unforeseeable costs affecting viability, but simply unforeseen ones.

If the current wording is maintained, it reinforces our asks that appropriate guidance needs to be put in place to ensure that appropriate assessment of historic environment sensitivity is carried out at plan-making stage, and that appropriate pre-application discussions relating to the historic environment are also undertaken.

We note that it is common for archaeology to be blamed by developers, or targeted in the media, as the 'reason' for unexpected costs. This is an oversimplification which belies the fact that good preparation and planning can, in the majority of cases, prepare decision-makers and applicants to understand risks and plan accordingly for cost burdens. It will be important that this policy does not inadvertently invite the potential for legal challenge over whether adequate archaeological evaluation was undertaken, or incentivise applicants to consider the discovery of buried heritage assets as an unforeseeable issue, deliberately reduce evaluation, and therefore present discoveries as a reason to seek reductions in developer contributions within viability assessments.

### DM6: Use of Planning Conditions and Obligations

#### **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?**

Partly agree.

We would welcome the opportunity to engage with MHCLG to help develop model planning conditions which cover archaeology. There are a variety of model conditions contained in Historic England guidance and used by local planning authorities, and we would welcome an opportunity to update and standardise approaches where possible. However, we caveat that there will need to be sufficient flexibility to ensure that site-specific needs can be addressed,

and that the approach to national model conditions does not constrain local authorities and applicants from agreeing pragmatic staged delivery of archaeological evaluation.

For example, there may be cases where a portion of archaeological evaluation may be pushed to a post-determination stage, and a bespoke condition may be necessary to ensure suitable phasing of works, or staged discharge of evaluation and subsequent mitigation. This is especially true on larger complex projects. We therefore caution against an overly inflexible mandated approach to the use of model planning conditions.

We note that archaeology is one area where the use of pre-commencement planning conditions remains necessary in most instances. This has previously been recognised by Ministers, but we would welcome archaeology being cited as an example in any subsequent amendments to the NPPG.

#### DM10: Article 4 directions

### **33) Do you agree with the new Article 4 direction policy in policy DM10?**

Strongly agree.

The Chartered Institute for Archaeologists strongly supports the revised wording and the communicated intent to restore greater flexibility to local authorities to use Article 4 Directions. Article 4 Directions can be an important tool for transparency, providing developers clarity on the constraints for development in an area. We remain of the position that recent relaxations to permitted development have tended to harm local authorities' ability to effectively manage specific spatial issues which affect the special character and sensitivity to development in their areas.

For example, we support the use of Article 4 Directions to remove or modify permitted development rights in areas where there is a known high potential for significant buried heritage assets (for example, Areas of Archaeological Importance, as defined under the 1979 Ancient Monuments and Archaeological Areas Act, and other more tightly defined areas around known heritage assets). Or, more usually, in smaller areas where there are known or suspect to be remains of highly significant below ground archaeological heritage.

## **Chapter 4: Achieving sustainable development**

### S1: Positive Plan-Making

#### S2: Producing a Spatial Strategy

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

Partially agree.

We welcome reference to designated heritage assets in footnote 23. We note that the Glossary definition of designated heritage asset now includes text similar to that in Footnote 75 of this Framework. This is important as it extends the provision of footnote 23 to sites which have not been assessed for scheduling but which are of demonstrably equivalent significance to

scheduled monuments as per that definition. If this was removed from the draft, then we would welcome additional words in footnote 23 to ensure that sites that are identified by decision-makers as being of national importance, but which have not (for various reasons) been designated by the Secretary of State, are still recognised as assets of particular importance which should be considered in sustainability calculations by plan makers.

**35) Do you agree with the proposed definition of settlements in the glossary?**

Partially agree.

We note that the definition of settlement includes ‘any allocations that would ultimately form part of the settlement’. This should increase the importance of robust assessment at strategic and local plan level to provide clear information about heritage constraints on allocated sites. See our answer to Q37 for more detail.

S3: Presumption in Favour of Sustainable Development

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

Partially agree.

ClfA strongly supports the addition of a principle of planning but has concerns about the lack of definition for ‘long term public interest’. We would also prefer if the purpose of planning was a statutory obligation.

We welcome the inclusion of historic environment within paragraph 16 under ‘environmental objective’. However, we note that the historic environment also vitally contributes to all three ‘overarching aims’, not just the environmental aim. For instance, it contributes to the economic objective by driving tourism in our towns, cities, and rural areas; and it contributes to the social objective by anchoring place-shaping, design and defining the character of areas and the identity of local communities. This has implications throughout the document about where consideration of heritage outcomes and the management of the historic environment can be assumed, and where it may be beneficial to specify.

S4: Principle of Development Within Settlements

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

Strongly disagree.

The suggestion that development within settlements should be accepted unless ‘substantially outweighed by adverse effects’ is concerning and feels a tilted balance not matching the vision for the three overarching objectives as described in paragraph 16 or the purpose of planning. Instead S4 seems to suggest that development which is less than substantially outweighed by adverse effects should be accepted. We suggest that the balance should be ‘development which is not outweighed by adverse effects should be accepted’ or similar.

We fully accept and support principles of encouraging brownfield development and development in areas of high amenity value (e.g. near train stations) However, we wish to stress

that settlements (and nearby land liable to be included in the definition of settlement in this Framework) are areas which have a far higher likelihood of being archaeologically complex. We would welcome an acknowledgement from Government that permissive, rules-based policies that encourage development in such locations are supported by robust requirements for up-front evaluation in plan-making, and are explicitly noted (e.g. in land allocations) where they are areas with a known or suspected high archaeological potential. We strongly encourage Government to consider whether a national approach to implementing archaeological sensitivity areas should be encouraged in Government Guidance, and we commend research undertaken by Historic England<sup>1</sup> to this end.

Only by acknowledging these constraints will these rules-based policies provide genuinely valuable transparency for applicants, without increasing risk or damaging sustainability.

We note that it is – or should be – exceptional for heritage to be a reason for refusing development, though it should be expected that heritage may be a reason for requiring sustainability improvements, and a resource that enables them to be found. We would welcome policy that required these issues to be addressed in local plans.

We would also welcome a reference to the historic environment in S4.2a. It is unclear why this small number of cross-referenced safeguarding policies are referenced and not the historic environment. We understand that a judicious approach to cross-referencing is taken throughout the document, but this is one paragraph where it would be particularly valuable to specify heritage impacts, including, ideally, the potential for the discovery of below ground heritage assets with archaeological interest.

#### S5: Principle of Development Outside Settlements

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

Strongly disagree.

As with Policy S4, the weighted balance for granting development if it accords with the policy unless it is substantially outweighed by adverse effects is inappropriate. For example, the policy implies that any forestry, agriculture, or outdoor sport and recreation development outside of settlement should be accepted unless it is substantially outweighed by adverse effects. This is not a narrowly targeted policy focused on development which is known to be desirable, and we are concerned that it is at least confusing when read against other sustainable development policies in this Framework. As with policy S4, we recommend that the balance should be ‘development which is not outweighed by adverse effects should be accepted’ or similar.

##### **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?**

Strongly disagree.

As stated above, category A is very broad, applying to all forestry, agriculture, horticulture, and minerals extraction development, among many other types of development. Suggesting that

---

<sup>1</sup> <https://historicengland.org.uk/whats-new/research/back-issues/archaeological-sensitivity-mapping/>

any such development outside of settlements 'should be approved unless substantially outweighed by adverse effects feels like it has the potential to encourage potentially harmful applications in sensitive areas.

**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.

In principle, we recognise why the Government wishes to prioritise housing development near to appropriate transport links and we do not object to a policy of this type. However. As with principles of encouraging brownfield development and development inside settlements, we note that many such areas will have a far higher than average likelihood of being archaeologically sensitive. We would welcome an acknowledgement from Government that permissive, rules-based policies that encourage development in such locations will be supported by robust requirements (i.e. in government guidance) for up-front archaeological evaluation; both at plan-making stage and by explicitly noting known constraints (e.g. when land is allocated, or when a development is discussed pre-application) where they are in areas with a known or suspected high archaeological potential.

We strongly encourage Government to consider whether a national approach to implementing archaeological sensitivity areas should be encouraged in Government Guidance, and we commend research undertaken by Historic England<sup>2</sup> to this end.

Only by acknowledging these constraints will these rules-based policies provide genuinely valuable transparency for applicants, without increasing risk or damaging sustainability.

We note that it is – or should be – exceptional for heritage to be a reason for refusing development, though it should be expected that heritage may be a reason for requiring sustainability improvements, and a resource that enables them to be found. We would welcome policy that required these issues to be addressed in local plans.

**Chapter 6: Delivering a sufficient supply of homes**

HO4: Land for large scale residential and mixed-use development

**55) Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear?**

Partially disagree.

One area where the revised Framework, in our opinion, is lacking is in appreciating the potential of the historic environment to contribute to place-shaping. We recommend making reference in a new sub-paragraph HO4.1d that specifies that new settlements, or large scale residential and mixed-use developments like new 'quarters' should be supported by a strong approach to

---

<sup>2</sup> <https://historicengland.org.uk/whats-new/research/back-issues/archaeological-sensitivity-mapping/>

place-shaping, which should respond to local design guides and design codes, and be informed by both the natural and historic environment, in order to create high quality settlements with character. Even on greenfield sites, below ground archaeological evidence can be utilised to create a unique identity for a new town, informed by the past.

HO13: Build out of residential and mixed-use development

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

Yes.

We strongly believe that there are opportunities when bringing forward the delivery of new towns and other very large sites, to utilise the historic environment as one of the building blocks for the design and character of these places. We recommend that the Government should seek to outline in policy or guidance a requirement for a place-shaping approach that makes use of the historic environment, including the results of below-ground archaeological survey to help inform a place-shaping strategy for new towns and other very large developments. Any guidance on this topic should include reference to engaging historic environment stakeholders, utilising data from Historic Environment Records and other tools such as ‘sensitivity mapping’, and research frameworks.

Large ‘super strategic’ may also enable uniquely significant archaeological research on account of the scale of work likely to be required to inform impact assessment and mitigation. Such archaeological projects will have a high potential to shape local understanding of relevant research questions and possibly wider regional understandings of the past. Research on these types of sites should be encouraged to adopt methodologies that involve synthesis of existing archaeological data; synthesis work can deliver huge public benefits to offset the impact of schemes. Effective synthesis work can be used to deliver necessary public benefit to offset the impact of development when paired with judicious on-site work to answer research questions. This can be of high value to place-shaping for the development but also for understanding of the local area.

Specific reference to these sites supporting provision for storage of archaeological archives (as exists in National Policy Statement EN-1) would be beneficial to be added to the Framework as well. Such sites create a large burden on local archive storage – which is already at critical capacity or not available at all in some places.

National Policy Statement EN-1 states:

*“5.9.15 The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme takes account of the significance of heritage assets affected. This can include, where possible:*

- *Enhancing, through a range of measures such as sensitive design, the significance of heritage assets or setting affected;*
- *Considering where required the development of archive capacity which could deliver significant public benefits; and...”*

We would strongly welcome similar wording specifically in relation to new towns and other large sites delivered under this framework.

## **Chapter 12: Making effective use of land**

### L1: Planning for an 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.

We welcome reference to design and character in L1.a.iv. We would also welcome a specific reference to the historic environment in this sub-section. This would be beneficial because previously developed land is likely to have historic environment sensitivity in many cases. Particularly highlighted areas such as car parks or service yards may be particularly sensitive, as they may have had little previous ground disturbance, meaning that archaeological deposits may be well preserved.

We recognise why the Government wishes to prioritise development, particularly housing, on previously developed land, and we do not object to policy L1. However, as with other policies encouraging brownfield-first development and development inside settlements, we note that many such areas will have a higher than average likelihood of being archaeologically sensitive. We would welcome an acknowledgement from Government that permissive, rules-based policies that encourage development in such locations should be supported by robust requirements (i.e. in government guidance) for up-front archaeological evaluation by explicitly noting known constraints (e.g. when land is allocated, or when a development is discussed pre-application) where they are in areas with a known or suspected high archaeological potential.

We strongly encourage Government to consider whether a national approach to funding and implementing archaeological sensitivity areas could be encouraged in Government Guidance, or via investment through Historic England, to ensure that up-front, light-touch evaluation of such sites is possible. We commend research undertaken by Historic England on archaeological sensitivity mapping to this end.

Only by acknowledging these constraints will these rules-based policies provide genuinely valuable transparency for applicants, without increasing risk or damaging sustainability.

We note that it is – or should be – exceptional for heritage to be a reason for refusing development, though it should be expected that heritage may be a reason for requiring sustainability improvements, and a resource that enables them to be found. We would welcome policy that required these issues to be addressed in local plans.

#### **115) If not, what further guidance is needed?**

Additional guidance, as described above (Q114) on how to appropriately utilise historic environment data at plan-making/land allocation and/or pre-application stage to scope likely archaeological constraints and opportunities of previously-developed land would help to improve transparency for developers and encourage more positive approaches to the historic environment to be taken by applicants.

## Chapter 14: Achieving well-designed places

### DP3: Key Principles for Well-Designed Places

**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 references to heritage assets and the historic environment in DP3.1a. We would replace the word 'preservation' with 'conservation'.

## Chapter 19: Conserving and enhancing the natural environment

### N4: Protected Landscapes

**182) Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them?**

Partly disagree.

N4.1 suggests that cultural heritage is only an important consideration in National Parks and the Broads, not all National Landscapes. Text should be changed to reflect that cultural heritage is also a key strategic objectives for other National Landscapes as well.

## Chapter 20: 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.

ClfA believes that this clause should be implemented as it provides an important statutory basis for treating heritage assets that are deemed to be of national importance in line with one another in planning. It would help to ensure clearer understanding of various types of designated heritage asset and is appropriate under the planning system's approach to the conservation and enhancement of heritage assets.

We also strongly recommend the implementation of s230 of the LURA (provision for Statutory Historic Environment Records). Statutory HERs will be an important tool for ensuring effective implementation of rules-based policies set out in this framework. It would also be extremely helpful to have regulations for HERs in place in advance of the potential upheaval to HER services caused by English Devolution and local authority unitarization. Statutory HERs will also be important to the delivery of any future gains from digital planning and AI opportunities.

**186) Do you have any evidence as to the impact of implementing the additional regard duties for development?**

We expect that there would be very little cost or downside to implementing the clause and the provision would largely solidify current common practice is to consider World Heritage Sites, Registered Parks and Gardens, and other designations, such as Protected Wrecks (where they may be impacted by coastal development) are considered, both as a result of local authority responsibilities and Historic England's role as a Statutory Consultee.

#### HE1: Planning for the Historic Environment

#### HE2: Conservation Areas and World Heritage Sites

#### HE3: Historic Environment Records

**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 agree.

#### **HE1: Planning for the historic environment**

The structure of the plan making paragraphs is welcomed, as are a number of the changes that have been made from the previous version. However, we would welcome a small addition to make it clear that heritage assets can be used as a useful tool in place-shaping and driving growth not just in terms of conserving an individual asset, but also shaping the wider setting and character of an area. For example, under HE1.c the text should say "...the contribution which the historic environment can make to the character and quality of development, and the surrounding area.

We strongly suggest adding "...including reflecting these opportunities in policies for site allocations" at the end of HE1.a. This wording relating to site allocations is valuable in HE2, but should apply to all heritage assets, including areas of landscape/areas of known below-ground archaeological sensitivity, not only conservation areas and World Heritage Sites which is the focus of HE2.

We also suggest removing the words 'at the most appropriate level' as we believe that development plans should take account of heritage at a strategic level, a local plan level, and in many cases, a neighbourhood plan level.

We welcome the addition of a reference to the need for proportionate heritage assessment in plan making, and the positive reference to local lists.

#### **HE2: Conservation Areas and World Heritage Sites**

We note that many Conservation Areas do not have an up to date management plan. We recommend that the Framework should set a realistic baseline expectation that Conservation Area management plans should be reviewed periodically to ensure that they remain relevant and able to inform sustainable growth decisions.

#### **HE3: Historic Environment Records**

CifA strongly supports the implementation of s.230 of the Levelling Up and Regeneration Act 2023 to commence provisions for Statutory Historic Environment Records. We still however, welcome the inclusion of this policy, which would be relevant even in the event that the LURA duty was implemented.

We recommend adding text to HE3.1, or a new paragraph that makes clear that HERs should be used by local authorities to inform all parts of the local development plan. It would also be useful to explain how HER data is required to inform decision-making, clarifying that the HER alone is usually not sufficient to predict currently unidentified heritage assets, and will often need to be supplemented with further archaeological evaluation (as per HE10.1).

Our suggested edits are:

Add new sub-paragraph a) “Inform strategic and local plans, including scoping opportunities and constraints on land allocated for development;”

Edit sub-paragraph b) to make clear that HER data is usually not sufficient on its own to predict the existence of unidentified heritage assets: “Contribute to the prediction of the likelihood that currently unidentified heritage assets... will be discovered in the future”. As HE10.1 states, this will often require a desk-based assessment and/or field evaluation in addition to utilising the HER.

And add sub paragraph after b) “Inform applicants and decision-makers about the effects of proposed development on heritage assets”.

HE4: Securing the Conservation and Enhancement of Heritage Assets

HE5: Assessing Effects on Heritage Assets

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

Partly agree.

**HE5: Assessing effects on heritage assets**

We broadly welcome this policy which improves upon the 2024 Framework and sets out clearly the responsibilities that applicants have to describe the impact on significance of heritage assets that their proposals will have. This fixes an issue that has been (inadvertently) set out in policy since 2011.

HE5.1:

We strongly support HE5.5, but suggest that additional text should be amalgamated from HE10.1 to avoid duplication and bring the useful additions that HE10.1 makes into the key NDMP information requirement paragraph for the chapter.

Our suggested amended text for HE5.5 is:

*“Where a 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*

*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."*

We also support moving HE5.5 to after HE5.1, as these paragraphs relate and would be of greatest clarity if read sequentially.

HE5.4:

Some of our members have questioned how HE5.4 will be applied in practice. While ClfA strongly supports the need for decision-makers to assess the accuracy of applicant impact assessments and provide advice if it does not accurately reflect the effects on heritage assets, we question whether the wording is clear enough about how the process of agreement on assessment accuracy should work.

#### HE6: Proposals Affecting Designated Heritage Assets

**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.

ClfA does not object to the changes to wording on weighting in this paragraph. In coming to this position we note that it will be up to Government to determine how these changes will interact with other issues given substantial weight in the document, and with the various statutory duties derived from the LURA (i.e. the s.102 'special regard' to designated heritage assets) and treaty responsibilities in respect of World Heritage Sites. We also welcome MHCLG's verbal assertion that this does not represent a downgrading of weighting and that there is not intended to be a difference between great and substantial weighting. However, we note that this is not the perception of all of our members. We also expect that Government will need to satisfy itself that changes will not undermine existing case law.

Footnote 75:

We strongly welcome some of the new additions to Footnote 75, however the text is not fully acceptable. It is valuable that the new text improved clarity around the ability of decision-makers to identify where sites are of national importance where they have not yet been assessed for Scheduling by the Secretary of State. This will help to clarify the legitimacy of existing common practice in cases where sites which are newly discovered during the course of archaeological evaluation on a development.

However, we suggest that the language of 'monument' should be reverted back to 'heritage asset with archaeological interest'. This is more consistent with language in the rest of the NPPF and avoids confusion with the use of the term 'monument' used in HE11.2 where it has a substantially different meaning.

Some of our members have also suggested that the loss of language of 'demonstrably equivalent significance' is unhelpful. We therefore recommend adding alternative wording that clarifies that decision-makers should be required to evidence their judgements.

We recommend a further change to add wording that more adequately describes sites which are of potential national importance but would not be eligible for Scheduling under the 1979 Act. These include so called ‘sites without structure’ such as Palaeolithic sites of habitation which can be uniquely vulnerable to damage in the planning system (we note that at least three sites of clear national importance have been damaged by planning in the last year due to the difficulty in recognising these sites as being of equivalent significance to designated sites).

Our suggested wording for Footnote 75 is therefore as follows:

*“75 Heritage assets with archaeological interest that the Secretary of State for Culture, Media and Sport has identified as being of national importance but has decided not to designate as a Scheduled Monument (or as a different type of designated heritage asset) should be considered subject to the policies for designated heritage assets. Assets that have yet to be assessed by the Secretary of State for Culture, Media and Sport through the scheduling process, or which would be ineligible for scheduling (e.g. sites without structure), but which a decision maker demonstrates to be of national importance, should be considered subject to the policies for designated heritage assets.”*

We suggest that it is more useful to keep this full text in the Glossary under designated heritage asset as the expanded definition can then be read in context where the term appears elsewhere in the document, e.g. Footnote 23. It may be that the text does not therefore need to appear in full in Footnote 75.”

HE6.2:

We would welcome additional clarity about the intent of HE6.2, noting that many development proposals will have positive effects on some assets, and negative affects on others, making this policy potentially difficult to apply in practice. We do, however, welcome the principle that developers should be minded to have positive impacts on heritage assets, including by enhancing the significance of heritage assets through investigation, and that approaches to do this that are judged to be positive overall should be accepted.

We suggest that language of “should be supported” is more appropriate than “should be approved” to be clear that this support would be part of a wider determination of planning balance across multiple policies.

HE6.3:

We recommend adding new wording “...including benefits resulting from conservation of heritage assets and associated public engagement activities” at the end of the first sentence of HE6.3. A cross reference to the NPPG where content on public benefits is included would be helpful.

HE7: Decisions on Non-Designated Heritage Assets

HE8: World Heritage Sites

HE9: Conservation Areas

HE10: Archaeological 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.

**HE10: Archaeological Assets**

CfA welcomes the intention, verbally stated to us by MHCLG officials, that this policy is intended to provide platform to consider archaeological processes in a clearer way than previous Frameworks. However, we do not believe that the articulation of the policy as it stands is helpful. Rather than giving spotlight to archaeological processes, it unhelpfully redefines a subset of heritage assets in a way that is likely to create confusion about whether ‘archaeological assets’ are heritage assets, and implies that built heritage assets cannot have archaeological interest, which is not true.

We much prefer the existing terminology of ‘heritage asset with archaeological interest’ which makes clear that all heritage assets, whether built, buried, or submerged, can have different types of heritage ‘interest’ (historical, archaeological, artistic, and architectural) in different amounts. For some heritage assets, their interest will be primarily archaeological, and this may mean that approaches to understanding them through the application of archaeological processes may be particularly relevant. We would welcome a paragraph that considered specifically how the approach to undertaking archaeology can be a beneficial one for development and contribute to the enhancement of the significance of heritage assets.

CfA strongly believes that the relationship between HE10.1 and HE5 makes it vital that this paragraph is merged with HE5.5. This change would not only reduce duplication between the two paragraphs, but it would ensure that archaeological evaluation evidence was included in the information requirement outlined in Annex C in reference to policy DM2. Our full suggested text for an amalgamated HE5.5 is in Q188.

CfA also strongly recommends that HE10.2 should be merged into HE11.1.b. Our suggested text for this is included below in Q191.

If the current structure is retained, we would object to the statement in HE10.2 that ‘Archaeological assets should be preserved in situ wherever feasible’. We consider that this is contradictory of HE5.2.a, and while it is necessary to ensure that heritage assets with archaeological interest are not used inappropriately as a way to secure planning permission by promising positive enhancements to significance resulting from archaeological investigation, it should still be possible to apply policy HE5.2.a to heritage assets with archaeological interest.

HE11: Loss or Removal of Heritage Assets

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

Yes.

**HE4: Securing the conservation and enhancement of heritage assets**

We are broadly supportive of policy HE4, but we wish to note that in HE4.2 the words ‘minimised or’ should be removed. The current wording implies that harm that has been

reduced (minimised) but is still more than no harm does not need to be justified. Existing practice is that residual (minimised) harm would still need to be justified with reference to wider public benefits of the development (i.e. HE6.3). We would also add reference here to the ability to further offset harm to heritage assets with the public benefit resulting from investigation, recording, and dissemination of information relating to the historic environment. This is a vital part of the mitigation hierarchy referenced in this paragraph.

### **HE11: Loss or Removal of Heritage Assets**

We strongly recommend that HE10.2 is merged into HE11. This is because the paragraph deals directly with the loss of heritage assets. Our proposed amendment would be to edit HE11.1.b as follows:

*“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.”*

HE11.2 as follows:

*2. The ability to record evidence of our past should not be a decisive factor in deciding whether such loss should be approved.*

We recommend removal of HE11.3. Mechanisms exist to remove or alter statues (whether via Listed Building Conservation, if designated, or by planning permission) such that this policy is unnecessary and confusing.

Yours sincerely,



**Rob Lennox**

*BSc (Econ) MA PhD ACIfA MCIPR FSA*

**Head of Policy and Influence, ClfA**

**About the Chartered Institute for Archaeologists**

The Chartered Institute for Archaeologists (CIfA) is the leading professional body representing archaeologists working in the UK and overseas. We promote high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provide a self-regulatory quality assurance framework for the sector and those it serves.

CIfA has over 4,000 members and more than 80 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.