

Response ID ANON-T8S3-TSCU-H

Submitted to Biodiversity Net Gain - considering a targeted exemption for residential brownfield development
Submitted on 2026-06-10 12:47:00

Introduction

Purpose of the consultation

Consultation structure

Who should respond

Background

Using and sharing your information

1 Would you like your response to be confidential?

No

If you answered yes to this question, please provide a reasoning::

2 What is your name?

Full name:

[REDACTED]

3 What is your email address?

Email address:

[REDACTED]

4 Are you responding as part of an organisation?

Yes, other (please specify)

Other:

Non-departmental government body

5 If you are responding as part of an organisation, what is the name of the organisation? Please also provide a short description of the organisation

Organisation name:

Historic England

Organisation description :

Historic England is the government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Section 1: Definition of brownfield residential development

6 Do you support the proposed regulatory definition of residential brownfield development?

I'm not sure

If you do not support the proposed definition, what specific changes would you make and why? (please limit your response to 5000 characters or less):

Historic England highlights two key points.

1. As a general comment, we are uncertain about the potential for unintended consequences arising from the complexity when reconciling PDL (when determining a planning application) and brownfield residential development (when considering BNG). Is it conceivable that a site would fit one category but not the other?

Assuming there is no intention to replace the definition of PDL in the NPPF, any divergence is likely to be exacerbated by applying an additional criterion associated with the proposed new exemption – being only used for predominantly residential schemes.

Though broader than a heritage matter, the government will need to be comfortable that any tensions can be effectively managed by decision-makers dealing with planning applications and the proposed environmental benefits from a scheme.

2. More specifically in terms of the historic environment, we highlight a concern regarding the proposed exceptions in the proposed definition for brownfield residential development, which are limited to buildings last used for agriculture or forestry, and for land used for minerals or landfill waste activities. In contrast, the definition of PDL in the NPPF refers to a broader set of exceptions, including land in built-up areas such as residential gardens, parks, recreation grounds and allotments, which may incorporate some structures. We highlight a perceived risk to registered parks and gardens and other historic parks, open spaces or landscapes being treated as brownfield land suitable for further housing, and recommend the exceptions for the proposed approach are broadened to minimise this potential risk.

When implementing any proposed exemption, we highlight the importance of avoiding harm to the historic environment and heritage assets, in accordance with legislation and national policy and guidance.

7 Do you agree that the proportion of the land within the planning application boundary should be ≥75% Previously Developed Land (PDL) to qualify?

I'm not sure

Not Answered

If other, please specify::

Please provide any evidence or rationale supporting your preferred threshold, for example case studies, data, or experience (please limit your response to 5000 characters or less). :

While we do not have a comment to make regarding the minimum proportion of land within an application boundary that is PDL, we refer to Historic England's response to question 6, which highlights our concern about the heritage implications of the proposed approach and the inherent complexity that may result from diverging from the NPPF's definition of PDL.

If you would like to attach supporting evidence such as case studies or data, you can upload a file here. Please upload: PDF files (e.g. case studies, supporting documents) or Excel (.xlsx) files (e.g. datasets, calculations):

No file uploaded

8 To what extent do you agree that the proposed regulatory definition aligns with current interpretations of 'Previously Developed Land' under the NPPF glossary for planning decisions?

Neither agree nor disagree

If you disagree or strongly disagree, please identify the circumstances where you consider divergence between the definitions would occur. Information on the frequency of these circumstances and the impact of using the proposed regulatory definition for a BNG exemption would be welcome (please limit your response to 5000 characters or less). :

As stated in its response to question 6, Historic England raises concerns about the inherent complexity of reconciling PDL as defined in the NPPF (when determining a planning application) and brownfield residential development (when considering BNG). Is it conceivable that a site would fit one category but not the other?

Assuming there is no intention to replace the definition of PDL in the NPPF, any divergence is likely to be exacerbated by applying an additional criterion associated with the proposed new exemption – being only used for predominantly residential schemes.

Though broader than a heritage matter, the government will need to be comfortable that any tensions can be effectively managed by decision-makers dealing with planning applications and the proposed environmental benefits from a scheme.

No doubt other consultation responses, especially from local planning authorities and applicants, will help to convey the extent of any associated challenges.

9 Overall, do you consider the proposed definition and evidential requirements to be proportionate and workable for applicants and local planning authorities?

I'm not sure

Applicant (please limit your response to 5000 characters or less) ::

Local planning authority (please limit your response to 5000 characters or less)::

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2. More specifically in terms of the historic environment, we highlight a concern regarding the proposed exceptions in the proposed definition for brownfield residential development, which are limited to buildings last used for agriculture or forestry, and for land used for minerals or landfill waste activities. In contrast, the definition of PDL in the NPPF refers to a broader set of exceptions, including land in built-up areas such as residential gardens, parks, recreation grounds and allotments, which may incorporate some structures. We highlight a perceived risk to registered parks and gardens and other historic parks, open spaces or landscapes being treated as brownfield land suitable for further housing, and recommend the exceptions for the proposed approach are broadened to minimise this potential risk.

When implementing any proposed exemption, we highlight the importance of avoiding harm to the historic environment and heritage assets, in accordance with legislation and national policy and guidance.

Section 2: Considering a targeted BNG exemption

10 What impact do you think the introduction of a mandatory BNG requirement has had on brownfield residential schemes of less than 2.5 hectares?

I don't know

If other, please specify (please limit your response to 5000 characters or less):

Please provide evidence if possible (please limit your response to 5000 characters or less):

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11 Do you support a targeted area-based exemption for residential brownfield development?

I'm not sure

Please explain your reason (please limit your response to 5000 characters or less):

Historic England supports the policy objective of providing greater clarity in the reuse of previously developed land and recognises the particular importance of small sites in delivering housing and facilitating growth, particularly where it secures the effective reuse of existing buildings.

It is important to ensure that any area-based exemptions are managed through a process that benefits from suitably clear planning controls. We highlight the role of the Planning Practice Guidance in providing suitable detail on the approach to be taken.

In welcoming the proposed commitment to maintain high environmental standards (pages 15 and 16 of the consultation document), Historic England highlights the importance of explicit reference to the historic environment, acknowledging that the historic and natural environments are integral to each other. The Joint Statement issued by Natural England, Historic England and the National Lottery Heritage Fund highlight the multiple benefits that can be delivered from an integrated approach: <https://historicengland.org.uk/content/docs/advice/joint-statement-naturalengland-historicengland-nlhf>

12 If you support a targeted area-based exemption for residential brownfield development, which exemption threshold for a residential brownfield development do you support?

I'm not sure

If other, please specify:

13 Do you think there is a case for an area-based exemption for residential brownfield development that is greater than 2.5 hectares?

I'm not sure

Please explain why or why not (Please limit your response to 5000 characters or less):

14 Do you foresee any unintended consequences arising from a targeted exemption for brownfield residential development?

I'm not sure

If yes, please outline the types of risks or unintended consequences you consider most likely e.g., ecological, administrative, market based or behavioural (please limit your response to 5000 characters or less):

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15 How easy or difficult do you think it would be for applicants and LPAs to apply this exemption in practice?

I'm not sure

Please indicate any specific areas where clarity or further guidance would be required (please limit your response to 5000 characters or less):

As stated in its response to question 6, Historic England highlights a concern regarding the proposed exceptions in the proposed definition for brownfield residential development, which are limited to buildings last used for agriculture or forestry, and for land used for minerals or landfill waste activities. In contrast, the definition of PDL in the NPPF refers to a broader set of exceptions, including land in built-up areas such as residential gardens, parks, recreation grounds and allotments, which may incorporate some structures. We highlight a perceived risk to registered parks and gardens and other historic parks, open spaces or landscapes being treated as brownfield land suitable for further housing, and recommend the exceptions for the proposed approach are broadened to minimise this potential risk.

16 Do you think any additional measures are needed to ensure that the exemption is appropriately targeted in relation to potential ecological impacts?

Not Answered

If yes, please outline what additional measures you consider necessary (please limit your response to 5000 characters or less):

Section 3: The potential impact of a targeted BNG exemption for residential brownfield development

17 If you have any further evidence about the administrative, viability, biodiversity or nature market impacts for this exemption that you have not provided in previous responses, please provide it in the box below. Any evidence submitted will be reviewed by the department but will not be analysed, summarised, or included in the published government response.

Please summarise further evidence (please limit your response to 5000 characters or less):

If you would like to attach supporting evidence such as case studies or data, you can upload a file here. Please upload: PDF files (e.g. case studies, supporting documents) or Excel (.xlsx) files (e.g. datasets, calculations):

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Section 4: Next steps

Consultee Feedback on the Online Survey

18 Overall, how satisfied are you with our online consultation tool?

Satisfied

Please give us any comments you have on the tool, including suggestions on how we could improve it:

Could there be scope to add hyperlinks to responses?