



Historic England

## **Historic England Response to the Freeports Consultation**

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 Digital, 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.

Historic England welcomes the opportunity to comment on the current consultation.

Given our specific remit, our comments relate to planning and changes to the physical environment, with particular regard to impacts on the historic environment.

### **Overview**

It is proposed to select up to ten Freeports across the UK: however, their locations and site boundaries have yet to be agreed, and there is a possibility that a single Freeport might be composed of multiple ports. Freeport status would not be restricted to sea/river-ports, but could be rail or airports. It is not immediately clear if the granting of Freeport status would be restricted to existing ports (where some Permitted Development already exist), or whether it is envisaged that new sites, currently not used as ports, might be developed.

Given the historical development of these different modes of transport, there is a very real possibility that sea/river ports may have been in use for significantly longer periods than railway or airport sites, whose technologies date from the mid-C19 and early-C20 respectively. Any such sites may contain designated heritage assets, such as listed buildings or scheduled ancient monuments, which might be impacted on through new or more intensive usage associated with Freeport status. However, regardless of age, any of those sites might contain heritage assets or be in the vicinity of other heritage assets (and thus within their settings) or might contain historically significant evidence of previous uses (e.g. archaeological remains). Sites might also contain un-designated, or under-designated, heritage assets which might be impacted on by possible changes to planning processes covering those sites.

### **Chapter 5: Planning**

#### *Permitted development rights*

*Question 24: Do you agree or disagree that the permitted development rights for airports and sea ports should be brought into closer alignment by allowing the use of buildings on ports for purposes connected with the operation of the port? Agree/Disagree/Don't know*

*Question 24.i: Please explain your answer.*

As set out in the consultation document, port operators' permitted development rights are limited to development for the purposes of shipping or in connection with the movement of passengers, goods, livestock or traffic; airport operators for the development of operational buildings; and rail undertakings for development on operational land.

Whilst moving from permitted development rights for development for the purposes of shipping, etc. to those that currently exist for airport operators (i.e. operational buildings) would result in an increase in permitted development rights in particular circumstances, we do not believe this would result in significantly greater risk in harm to the historic environment than that which already exists at ports.

The impacts of extending permitted development rights for existing ports (which may be allocated Freeport status) may be of a lesser order to the potential impacts of allocating Freeport status to sites which do not currently operate as ports. The latter **may** require significant new development, in the form of new buildings, perimeter fences, etc. which may have far greater impacts than adaption of existing port facilities.

We would, however, be concerned if such new permitted development rights were extended to Article 2(3) land; i.e. World Heritage Sites, Conservation Areas, etc. or in cases where there might be an impact on other designated heritage assets. We would suggest any such impacts are considered as part of the allocation process for Freeports (see answer to Questions 59-60) and/or as part of a prior approval process.

#### *National Policy Statement for Ports*

*Question 26: Would it be appropriate or inappropriate to consider amending the National Policy Statement for Ports to allow for changes to planning process(es) for significant port development?*

The National Policy Statement for Ports dates from 2012, and should there be an intention to review the Statement, we would be happy to engage in that process, in order to ensure it reflects the statutory requirements and government guidance with regard to the preservation and enhancement of the historic environment.

#### *Additional Planning Freedoms*

*Question 27: Please tell us about any additional planning freedoms related to planning powers and/or increasing the efficiency and effectiveness of planning that you think could be used to support development in Freeports.*

The current consultation document on Freeports makes reference to possible "additional planning freedoms which could accelerate the end-to-end planning process", which will be set out in the forthcoming Planning White Paper. We will, of course, respond on proposals contained in the Planning White Paper when full details are published, but would hope that any extension of freedoms is proportionate to the benefits, and takes due account of the historic and wider environment.

*Question 28: Please provide any comments you have on the regulatory impact of the planning measures set out in this consultation. For example, do you have any information on the costs and benefits to business of these measures?*

Any changes to planning processes in and around Freeports will need to provide sufficient clarity as to how existing requirements, such as taking into account safeguarding the historic environment, will be met. Without such clarity there is the possibility that the intention to provide a streamlined planning process may be undermined.

## **Chapter 6: Regeneration**

### *Infrastructure*

*Question 31: Please provide any additional feedback you have on the issue of infrastructure for Freeports not specifically addressed by any of the questions in this section.*

We believe that appropriate and well-designed new infrastructure can improve historic places, including historic ports, and have recently published *Modern Infrastructure and the Historic Environment* which illustrates how infrastructure projects can be designed to take the historic environment into account.

### *Housing*

*Question 37: What role could zonal planning, including the use of Local Development Orders, play in delivering the wider regeneration of local areas around Freeports?*

We understand that the Planning White Paper is likely to include further details on the possible use of zonal planning, and we would like to know more about how it is envisaged that zonal planning might function before offering a view. However, depending on the approach taken, there are concerns that an overly prescriptive approach within identified zones may preclude future development from conserving and enhancing the historic environment in and around those zones, and may conflict with policies in the *National Planning Policy Framework 2019* (NPPF). The use of Local Development Orders might be a suitable tool for delivering wider regeneration around Freeports, in that they allow for, amongst other things, a consideration of issues (such as impacts on the historic environment) and for community engagement.

## **Chapter 8: Additional Policy Considerations**

### *Environmental and Other Impacts*

*Question 54: Please provide any comments on any potential environmental impacts which may arise as a result of the considerations in this consultation.*

*Question 55: Please provide any other feedback on the impacts of the development of Freeports in the UK not specifically addressed by any of the questions in this section.*

The Environmental Objective, including protecting and enhancing our natural, built and historic environment, is one of the three main overarching objectives of achieving

sustainable development, as set out in the NPPF. If not carefully considered, additional planning freedoms, either at existing ports or at new Freeports, have the potential to cause harm to the historic environment. This may be to nationally or locally designated heritage assets and their settings, or to undesignated heritage assets (including non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, and should be considered subject to the policies for designated heritage assets (NPPF, footnote 63)).

Development of ports, either existing or new Freeports, also have the potential to impact on World Heritage Sites and their settings and/or buffer zones, and may impact on the State Party's ability to comply with the *World Heritage Convention 1972*.

## **Chapter 9: Allocation and Governance of Freeports in England**

### *Objective and Criteria*

*Question 59: In your view, how appropriate are the proposed criteria for assessing how potential Freeport applications can meet the stated policy objectives? Please explain your answer*

*Question 60: Please suggest any other criteria that we could use to effectively assess potential Freeport applications.*

We would agree that “how ready sites are for development (including land availability, planning and other permissions, environmental impact and site preparation)” (p. 34 second bullet, third sub-bullet) should form part of the assessment criteria for new Freeports, and that should include a thorough assessment of any impacts on the historic environment. Should there be uncertainty around possible impacts on the historic environment, or the significance of historic assets on or near the site (including archaeological potential), we would recommend that a full and thorough investigation is undertaken prior to selection.

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