

Planning for the Future Consultation  
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Dear Madam/Sir,

- 1.1. Thank you for the opportunity to respond to this consultation on the proposed reforms. This response is submitted on behalf of the Chartered Institute for Archaeologists (CIfA) and the Council for British Archaeology (CBA). We recognise and support government's aims to increase building to stimulate the economy and deliver homes. Our key aim is to make sure that the planning system is both streamlined *and* fit for purpose. We want to work with government to ensure that the new approach to planning does not undo the hard-won benefits of the old.
- 1.2. We need to ensure that development-led archaeology continues to contribute to the delivery of the planning system's goals by enabling the conservation and investigation of heritage assets for public benefit.
- 1.3. We are pleased that MHCLG has confirmed<sup>1</sup> that that "the Government is committed to the protection of the historic environment. Heritage considerations, including the need for archaeological surveys, will continue to be taken into account in bringing forward any planning reforms"<sup>2,3,4</sup>. The Secretary of State Robert Jenrick also confirmed at a recent roundtable meeting with the heritage sector that it was the intention not only to protect procedures for managing heritage, but also to 'enhance' them.
- 1.4. We recognise that much detail is missing from the White Paper and we are optimistic that the proposed system could be beneficial for planning if these gaps are adequately filled. However, we remain cautious about the risks if they are not.
- 1.5. If the proposed system cannot allow for adequate assessment of development sites before specific schemes are brought forward, it will undermine the mechanisms to

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<sup>1</sup> <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2020-07-15/74420/>

<sup>2</sup> <https://questions-statements.parliament.uk/written-questions/detail/2020-08-28/81784>

<sup>3</sup> <https://questions-statements.parliament.uk/written-questions/detail/2020-09-21/92862>

<sup>4</sup> <https://questions-statements.parliament.uk/written-questions/detail/2020-07-15/74420>

ensure that development is sustainable, and will make it difficult to ensure that archaeological remains are appropriately and proportionately treated as they have been for 30 years.

- 1.6. The proposals could also undermine the UK's obligations under the EU Withdrawal Act (2018) to respect the polluter pays and precautionary principles, and under Article 5 of the Valletta Convention on the Protection of Archaeological Heritage<sup>5</sup>.
- 1.7. **We urge the Government to commit to a further round of formal consultation once policies have been worked up in more detail, before draft legislation is published.**

## **2. Archaeology and planning**

- 2.1. Through their role in advising planning authorities and providing services to developers, archaeologists enable well-balanced and informed planning decisions by assessing how heritage assets can be protected from unnecessary harm, and how their investigation can add value to the development, to local people and the wider community. Where harm to the assets is necessary to deliver other public benefits, developers commission archaeological investigation and dissemination of findings, normally secured through planning conditions.
- 2.2. The UK is a world leader in archaeological research and development and our heritage management system remains a model for others.
- 2.3. The planning system is central to the beneficial management and protection of the historic environment and provides the only effective protection for many heritage assets with archaeological interest. Around 95% of heritage assets are not protected by specific designations (eg not Listed or Scheduled). It is only through the application of planning policies in the NPPF that the impact from development on this 'undesigned' resource is managed. Through this same process many completely new archaeological sites are found each year, including sites of national importance.
- 2.4. The precise nature and extent of this undesigned archaeological resource (and even its existence) can be unknown prior to the consideration of development proposals. These heritage assets are found in all places, including in existing settlements, on brownfield sites, and on sites likely to be allocated for 'growth' areas. When encountered and unlocked as part of the development process they can add considerably to placemaking, local distinctiveness and identity and enhance our knowledge and engagement with our history.

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<sup>5</sup> <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007bd25>

- 2.5. The provisions of planning policy in respect of heritage assets with archaeological interest include mechanisms to require assessment of the impact of proposed development and to manage that impact through avoiding, mitigating, or offsetting harm. In accordance with paragraph 189 of the NPPF, this achieved through the agreement of modifications to proposals or, failing that, by capturing information from assets which will be destroyed by development through archaeological recording. At present, while a certain amount of assessment is carried out at the plan making stage, the vast majority of the assessment/evaluation is undertaken at the development management stage and is funded by developers.
- 2.6. The system works for the benefit of all. Over 30 years it has revolutionised our understanding of the past. It is not cited as a reason for major delay by developers<sup>6</sup>, nor is it identified as a factor preventing build-out rates<sup>7,8</sup>. It is seen as a reasonable process for managing risk by developers and minimises disruption on construction timetables. It removes from the public purse most of the cost (£258m in 2019<sup>9</sup>) of safeguarding and unlocking a vital source for the history of our country.
- 2.7. In 2019 CIfA undertook research for Historic England which gathered extensive evidence from 118 case studies which illustrate the successful implementation of key elements of these current national planning policies relating to the historic environment<sup>10</sup>.

### **3. Archaeology in the White Paper**

- 3.1. A primary concern with the White Paper is that there is no explicit confirmation that provision will be made for managing the archaeological heritage within the proposed system for simplified local plans and the three types of development area.
- 3.2. In the absence of clear policies, we are worried that considerable additional responsibilities could accrue to local authorities, as up-front assessment of in-principle site suitability would disrupt the staged process of precautionary assessment of heritage assets with archaeological interest, which currently are paid for by the applicant.

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<sup>6</sup> Cornerstone Projects Ltd, [Delays in Construction Projects](#) (2017)

<sup>7</sup> Letwin, O. [Independent Review of Build Out: Final Report](#) (2018)

<sup>8</sup> Association of Local Government Archaeological Officers (ALGAO), [Archaeology in Development Management](#) (2019), p.16

<sup>9</sup> [State of the Archaeological Market Survey Report, 2019](#) (2020)

<sup>10</sup> Chartered Institute for Archaeologists (CIfA) [Archaeology and Planning Case Studies Project](#) (2019)

- 3.3. Archaeological heritage assets are present in almost all landscapes across England. They will occur in areas which will be designated for growth and renewal as well as in ‘protected’ areas. They cannot be predicted solely with reference to the location of designated heritage assets. For example, brownfield sites, by definition, are often areas where significant archaeological remains exist. Variances will also have to be made for certain issues, such as where designated sites such as scheduled monuments may fall within larger growth zones.
- 3.4. In the vast majority of cases, archaeological assets need not prevent development from proceeding, provided that adequate procedures for the avoidance, mitigation, and offsetting of harm to heritage assets exist. Managed well these assets are vital components of local distinctiveness and identity and can contribute to a meaningful placemaking. Under the current system almost no applications for planning permission are refused on archaeological grounds, but around 4% of all applications require some archaeological conditions<sup>11</sup>.
- 3.5. Government will need to consider how best to engage specialist advice in the planning of new development ‘areas’ and design new processes for evaluation and mitigation. The absence of such evaluation is the very situation that led to prominent issues in the late 1980s where important archaeological sites were damaged or destroyed with only very limited archaeological work undertaken as part of a voluntary system. It was this situation that precipitated the creation of the current system which required developers to pay for archaeological works to mitigate harm to heritage assets affected by development proposals.
- 3.6. There will need to be new procedures for evaluating the archaeological interest of sites as part of the analysis undertaken to allocate areas for Growth/Renewal. These procedures can build on some approaches that have already been adopted in the development of Local Plans.
- 3.7. We would expect that specific considerations for heritage assets, including by mitigating avoidable harm, and ensuring the offsetting of unavoidable harm through the attaching of conditions archaeology will be included in growth areas’ ‘key accompanying text’ and should be considered as an important mechanism for ensuring sustainable development . If these provisions are robust, few areas would need to be avoided when allocating growth and renewal areas on purely archaeological grounds.

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<sup>11</sup> Association of Local Government Archaeological Officers (ALGAO), [Archaeology in Development Management](#) (2019), p.16

- 3.8. Our response to the consultation questions below explores how we propose that this would be possible under the proposed system.

#### **4. The design of the consultation**

- 4.1. Please note that throughout our response to the consultation questions we have been forced to answer “no” where a choice of yes/no/not sure has been offered on questions of whether we agree with proposals. In most cases, our preferred answer would be “partly” or “yes, if...”. We wish to be constructive, but we are frustrated that there was no available option to provide support for principles caveated against a lack of detail giving the assurances that we need. We cannot in good faith profess support for proposals where outcomes could be so harmful without further clarification and negotiation in the development of detailed policies.
- 4.2. We are also confused as to why proposals 15-18 relating to ‘effective stewardship and enhancement of our natural and historic environment’ do not have consultation questions. Our comments on these sections follow this introductory section.

#### **5. Response to proposals under ‘Effective stewardship and enhancement of our natural and historic environment’ in the White Paper**

- 5.1. We welcome confirmation that places of environmental and cultural value will continue to be protected under the new system. We are concerned, however, that the White Paper appears to focus only on designated heritage assets in scoping what it considers to be places that matter.
- 5.2. The historic environment is not a closed book. It is varied and ever changing. Around 95% of known heritage assets are non-designated, forming a rich tapestry of heritage across all of our landscapes. Additionally, through the planning system we discover new archaeological heritage all the time, adding to our knowledge and understanding of the past.
- 5.3. It is critical that the White Paper corrects this oversight and acknowledges (a) that conservation of undesignated heritage assets is a material consideration in the planning system, (b) that heritage assets occur in all places, including those which will be suitable for allocation as ‘growth’ areas, and (c) that these heritage assets present a valuable resource to help shape positive, locally sensitive, development which enhances local character, identity, and public appreciation of place, and sustains economically successful places.

- 5.4. We note that, in several places, the White Paper raises the possibility of ‘simpler’ approaches to assessing environmental impacts. We are concerned about the potential for weakening environmental assessment, including the potential that in the forthcoming review of environmental assessment, that it may seem tempting to drop the historic environment element from EIA. This would be a retrograde step, reducing holistic thinking on the environment, where sometimes Government misconstrues the environment as ‘natural’, failing to recognise that all places on these islands have been shaped by human hands and need to be managed with that understanding. We would welcome the opportunity to be part of a more dynamic, evidence-based and interdisciplinary approach to environment assessment – an outcome which would accord with the Government’s 25-year environment plan.
- 5.5. The White Paper also highlights the desire to reduce the need for site-specific surveys. While we think that the intended meaning here is ecological survey, on which we are not experts, archaeological investigation (eg archaeological trial trenching or geotechnical investigations) is necessary on around 4% of planning applications to ground-truth and evaluate remote sensing and other survey data and desk-based evidence. This investigation enables the identification of archaeological potential & highlights archaeological requirements.
- 5.6. We support the ambition to streamline and target archaeological investigation. This could be made possible by increasing the amount of baseline data available and doing as much scoping work as possible at an early stage in the process (ie at the stage of allocating development areas). However, government should recognise that this will require investment and time, and will not remove the need for some site-specific survey.

## **6. Conclusion to introductory remarks**

- 6.1. Our responses to the consultation questions below provide more information and explore these points in detail. However, this response must not be the end of the consultation. Archaeology sector representatives have already been working together to scope and develop possible pilot studies to support the development of the new planning system. However, at this stage, the potential for providing precise advice is limited by not knowing how the white paper proposals will develop.
- 6.2. We look forward to working with MHCLG representatives to ensure that these proposals are able to be successful.

## **7. Consultation questions:**

**1. What three words do you associate most with the planning system in England?**

Sustainability, consideration, evidenced

**2. Do you get involved with planning decisions in your local area?**

N/A

**2(a). If no, why not?**

N/A

**3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?**

N/A

**4. What are your top three priorities for planning in your local area?**

All of the listed priorities are important. It should be implicit within the planning system to consider how to balance these priorities in any given setting.

We trust that this question's limitations will be not be presented in a way which overstates the significance of the answers. People want a planning system which delivers all these things in concert. and although prioritisation must be done, it would be a mistake to assume that because people want one thing, that they want it everywhere, all the time, or at any cost.

We believe that this white paper misses an opportunity to introduce a statutory 'principle of planning' to enshrine this essential principle in law.

**5. Do you agree that Local Plans should be simplified in line with our proposals?**

No.

In principle, we believe that it is a good aspiration to have a planning system that sets out what kind of development is acceptable where and increases certainty for developers. We think that there is a potential for local plans to scope and constrain clear spatial policies and zonal planning.

This has the potential to be a sustainable and effective system. However, it would require suitable safeguards and robust procedures for allocation and reserved

matters. For example, there would need to be greater up-front assessment of site suitability and provision for an outline scoping of site constraints (possibly paid for by land value capture) and expectations for developments which are brought forward as part of any “accompanying text”.

However, at present, the proposal requires careful caveats and further assurances that historic environment safeguards will be retained and strengthened.

**The proposal that local plans should have a primary role of identifying land for development implies considerable additional responsibilities for and investment in local authorities, as it would require up-front assessment of in-principle site suitability and would disrupt the staged process of precautionary assessment of heritage assets with archaeological interest which currently are paid for by the applicant.**

Our concern is magnified by the misinterpretations that the White Paper text contains about heritage. There are two key points:

- Around 95% of heritage assets are non-designated. These assets, particularly buried heritage assets with archaeological interest, rely primarily on planning application processes for their protection. The new system for development areas must recognise that these heritage assets will not all be located in ‘protected’ areas and will therefore require assessment both when allocating land and when developers bring forward detailed proposals.
- Even where there are no known heritage assets, heritage assets with archaeological interest will be found during the course of development. Current procedures for archaeological evaluation of sites in advance of determination of planning permission ensure a precautionary approach is taken to the discovery and investigation of any assets that may be harmed by development.

MHCLG has responded to several Parliamentary questions and confirmed that “the Government is committed to the protection of the historic environment. Heritage considerations, including the need for archaeological surveys, will continue to be taken into account in bringing forward any planning reforms”<sup>12,13,14</sup>. Robert Jenrick also confirmed at a recent roundtable meeting with the heritage sector that it was

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<sup>12</sup> <https://questions-statements.parliament.uk/written-questions/detail/2020-08-28/81784>

<sup>13</sup> <https://questions-statements.parliament.uk/written-questions/detail/2020-09-21/92862>

<sup>14</sup> <https://questions-statements.parliament.uk/written-questions/detail/2020-07-15/74420>

the intention to not only protect but also 'enhance' heritage protections. We are grateful for these assurances and we wish to work to help government develop suitable policies for archaeological investigation.

More broadly, we question whether a 3-area system is likely to be practical given the widely varying needs of diverse places and the level of variability across places. While the potential to specify needs for 'sub-areas' within each category is mentioned, this appears to be at odds with language which insists that local plans will be much simpler and shorter than existing plans. For example, there will need to be variances with respect to areas of known archaeological importance, different historic character areas, designated assets, open spaces, and more. This will mean that the envisioned clarity over what can be built in any growth/renewal/protection area could end up being more complicated, or areas will end up being small and fractured in order to avoid such complications.

**6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?**

Yes.

We would welcome the removal of duplicated national policy from local plans. We also do not object to the NPPF becoming the primary source of development management policies, with local plans fulfilling a mostly spatial role.

We support the standardisation of approach to local and neighbourhood design codes, provided that national guidance is in place to ensure that codes give sufficient regard to factors such as local historic character supported by the available evidence held in Historic Environment Records.

There are many good practice examples of where data including historic landscape characterisation has positively influenced local spatial planning. We would welcome standardised processes which embedded this good practice nationally.

We do, however, believe that in some cases it may be appropriate for local planning authorities to maintain development management policies, so we agree with the alternative options which may enable some degree of locally defined approach.

**7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?**

No.

We are concerned that a ‘simplified’ approach to assessing sustainability would lower existing expectations for sustainable development. We require more detail to be able to judge what the outcomes of this simplification would be. However, we are not, in principle, opposed to the new sustainable development test if it takes into account the historic environment and seeks appropriate improvements.

For example, existing SEA could be improved and simplified by better synthesis and integration of the natural and historic environment within a landscape-based approach – defining the attributes of a place and how it has changed prior to analysis of archaeology, buildings and natural features as determined by past land use and settlement.

**7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?**

No comment.

**8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?**

No comment.

**8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?**

No comment.

**9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?**

No.

We support the ambition to provide in-principle certainty to developers who wish to bring forward needed development on a particular site, where the need for and sustainability of development has been assessed.

We are concerned that there is no explicit provision for archaeology or any clarity about the nature of potential solutions that would secure these outcomes

We believe that it would be possible to design solutions that would work with the proposal for automatic outline consent in growth areas. Our proposed solutions are as follows:

**(A) There must be a process for up-front assessment of the historic environment by LPAs, supported by improved baseline data in order to inform the allocation of growth areas.** This would require

- Historic Environment Record (HER) datasets to be put on a statutory footing to ensure that LPAs had access to this resource and to the specialist staff necessary to maintain them,
- baseline information available to LPAs to be improved and utilised to inform the allocation of development areas and scope constraints on development,
- an approach to ‘sensitivity mapping’ areas of known high archaeological interest and areas where there are ‘known unknowns’, bringing together data on historic buildings and archaeological sites into their landscape context. This could be similar to flood risk mapping, utilising a combination of data and professional judgement, and build upon work that has also brought heritage and natural datasets and perspectives together. Various methodologies for modelling are currently being developed which could further streamline this process,
- an approach to primary archaeological investigation of areas allocated for growth/renewal where there is not enough information already known to scope development constraints. The more work that could be front-loaded at this stage, the greater the level of clarity and certainty that could be passed on to developers,
- an indicative masterplanning process which brings together different disciplines to scope development and ensure any requirements to

conservation and enhancement of heritage and other benefits are appropriately allocated to different parts of a development area.

**(B) Areas allocated for growth must be able to have any known archaeological constraints (including ‘known unknowns’) clearly laid out in local plans to inform developers wishing to take forward development of the likely need for mitigation.**

- It is inevitable that even areas determined to be suitable for allocation as growth areas will, in many cases, contain heritage assets with archaeological interest, some of national importance.
- The “accompanying text” within local plans must set out any archaeological constraints. This ensures transparency about expectations relating to archaeological works and informs developers of potential risk.
- In some cases, it may be possible to confirm that little or no archaeological work would be required.

**(C) There must be a robust system for investigating and mitigating impact on heritage assets at reserved matters stage. This will require:**

- the ability to secure developer-funded site-specific archaeological survey necessary where information is lacking but assets are suspected, to ground-truth remote sensing, other survey and desk-based evidence.
- A system for attaching conditions or other binding agreements (eg requiring the production of a suitable written scheme of investigation (WSI) to enable the offsetting of harm to heritage assets at reserved matters stage.

At present, archaeology is almost never a reason for in-principle objection to development. However, there will be the potential for unexpected discoveries at reserved matters stage, and there may be cases where highly significant heritage assets merit costly mitigation. This is an inherent vulnerability in a system which provides outline consent in advance of detailed site assessment.

In most cases it should be possible to manage impacts on the historic environment via processes at reserved matters stage, assuming that the potential to require developers to undertake archaeological assessment and agree a WSI remain in

place. The potential to use conditions to ensure that the WSI is carried out appropriately, and that suitable mitigation (including by altering design of development to minimise harm and enhance significance) and offsetting (including by archaeological recording and dissemination of information) should therefore be retained too.

**9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

No.

Renewal areas

We do not object in principle to the use of streamlined and faster consent routes suggested for Renewal areas. However, as with growth zones, this will rely on adequate archaeological assessments submitted by developers and/or improving baseline data to support determination via a 'streamlined' consent process. It will also still require robust provisions for mitigation works to take place.

We would be concerned by the introduction of a 'presumption in favour of development' for Renewal areas. A presumption in favour of development might be read to mean that *sustainable* development is optional.

Areas which may be appropriate for renewal are likely to be varied and complex places in which it will be complicated to set rules and variances in local plans. Historic character areas, designated heritage assets, areas of below ground archaeological importance, open spaces, and historic high streets are just a few examples of where variances will be required.

Streamlined consent processes in renewal areas may also hinder identification of positive opportunities to enhance development and the historic environment, which often result from consultation with LPA specialists. It would be concerning if a more permissive planning system simply encouraged the lowest quality development and prevented LPAs from using heritage as a factor that can stimulate positive outcomes for places.

Protected areas

We are pleased that the White Paper explicitly suggests that designated heritage assets are one category which should be protected. However, it would be a mistake

to assume that valued heritage can be protected by drawing a line around it. There will be a large proportion of heritage assets outside protected areas. Our knowledge of heritage is always growing and developing as new assets are discovered or new meaning and significance is added to known sites.

**9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?**

Not sure.

We are content that the NSIPs provide a satisfactory process which can enable effective assessment and management of the historic environment where EIA takes place as part of the process. The process ensures early assessment of heritage assets which can feed into project management on an ongoing basis and is therefore capable of dealing with unexpected finds in an effective way.

However, the NSIP process, due to its relative lack of community engagement and public scrutiny, may not be the most appropriate mechanism for developing high quality new settlements that achieve placemaking goals such as incorporating heritage into proposals for positive benefit.

**10. Do you agree with our proposals to make decision-making faster and more certain?**

No.

While efficiency is desirable, the white paper underplays legitimate reasons why decisions are complex and why delays occur. In our experience, delays are often due to processes not being followed correctly, for example incorrect or insufficient information supplied with applications. We support the development of clearer information requirements but challenge the assumption that all responsibility for improving results rests with the LPA.

We support the principle of greater digitisation and agree that moving to an all-digital system will improve transparency and effectiveness.

Documentation submitted should be concise, but the current problems are not necessarily that too much information is required, but rather that information supplied is ill-focused. Clearer guidance and possibly standardised templates could

help rectify this. However, this must not come at the price of flexibility to deal with cases where additional information is genuinely required. Standard templates must also enhance the synthesis of information, which at present all too often sits in artificially 'siloes' chapters. Effective synthesis should enable reduction of unnecessarily lengthy reports and the development of more effective tools for interpretation.

We believe that validation processes should be a more effective tool to improve the efficiency of decision-making. At present validation is failing to provide a barrier to the submission of poor quality applications.

We support the ambition for shorter and more standardised applications. However, it is unreasonable to set an arbitrary number of pages. Some large and complex sites may require significantly more than this, whereas for simple developments 50 pages would be far too much.

Where possible we support the standardisation of data sets. There are, for example, huge opportunities to use information to improve the understanding of places in their context, as well as in themselves, but there needs to be investment in smoothing out inconsistencies in data and supporting this with clear illustrated guidance.

We object to the proposal for fee refunds for LPAs failing to deliver on time. Piling further pressure on under-resourced planning departments will only spur the granting of sub-standard development by LPAs who have no choice but to accept. It will also increase incentives for developers to act slowly. The Government must recognise that applicants can be responsible for delays too.

Proposals for deemed consent if an LPA has failed to determine a case by a set deadline also threaten to undermine the delivery of sustainable development, which is not in the public interest.

## **11. Do you agree with our proposals for accessible, web-based Local Plans?**

Yes.

We support greater digitisation and standardisation of information. As stated above, it will be necessary to investment in enhancing data in HERs to improve the quality of digital information available for planning purposes. However, we are wary of the level of unqualified optimism that digitisation is a silver bullet. Data

standardisation is often extremely difficult and there will need to be a proportionate level of investment in skills creation to deliver outcomes.

We do, however, strongly support ambition in this area. For example, there are huge opportunities to develop how local character assessments and historic landscape and other characterisations are used. Improving access to these datasets for plan making and allocation of development areas will be necessary in any new system.

The Selected National Heritage Inventory for England (SHINE) provides an example of successful collaborative project between Local Government, Historic England and DEFRA for Historic Environment Records to deliver web-based resources for farmers and landowners to manage their archaeological heritage through environmental stewardship schemes. This process could be inspiration for the development of standardised and integrated historic environment sensitivity mapping datasets for planning.

## **12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?**

No.

This section makes some positive proposals for speeding up the production of local plans, but the likelihood of meeting the arbitrary timescales for the proposed stages will rest primarily on scale and resourcing. Additionally, the first new style plans may take longer than subsequent ones. There needs to be a realistic 'transition' period.

The proposals for a 6-week public consultation at the plan-making stage, which runs concurrent with an application to the Secretary of State, suggests that there will be no meaningful change to the plan as a result of the consultation. In order to delivery of Government's promise to improve public engagement, we would expect there to be active promotion of community engagement on issues like heritage with all its social and economic benefits. This would represent a genuine improvement and opportunity to deliver 'positive strategies for the conservation and enjoyment of the historic environment' per NPPF in a way which is reactive to local needs and desires, within the new rules-based system.

However, it is also important to ensure that the specific impacts of development can be understood by the public and that sufficient opportunity to comment on the detailed stage of development is retained within the development control process.

As with other proposals, we disagree that sanctions imposed on local authorities which miss deadlines will create positive outcomes for the public.

**13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**

Yes.

Neighbourhood Plans should be retained, and we would welcome the opportunity to contribute to consideration of how – now that many have been completed with varying degrees of input on heritage and the historic environment – they can be finessed in order to be a more effective tool for local communities.

**13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

No comment.

**14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?**

Yes.

We would emphasise the outcomes of the Letwin Review into build out rates which substantially concluded that over-regulation of planning was not responsible for slow build out.

**15. What do you think about the design of new development that has happened recently in your area?**

N/A.

**16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?**

N/A.

**17. Do you agree with our proposals for improving the production and use of design guides and codes?**

Yes.

Design codes are a potentially useful tool for shaping development. We would welcome an approach to scoping design which takes into account local character, including the historic character of the building stock in its landscape context, and enables appropriate and sensitive design. It is positive that the white paper recognises what we can learn from the past in informing design today.

However, good development is not only about design and we are concerned that the focus on visual amenity threatens to omit many other facets of placemaking that contribute to good places to live.

We believe that the historic environment has a huge amount to contribute to this ambition, and that the current policies in Pillar 2 unnecessarily limit the potential to deliver better places to live. The consultation document recognises that there are connections between quality existing environments, but heritage is notably missing from the list of contributing factors to the 'sense of community' that Government correctly judges to be an outcome from good planning.

We would also caution against poorly considered standardised approach, as local needs and sympathetic design is likely to be different in different places. For example, some existing design codes have led to buildings designed to reference local historic vernacular architecture appearing in parts of the country where there is no local precedent for such designs.

**18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?**

Not sure.

As above, our preference would be to focus much more on the more holistic concept of placemaking than on a purely visual definition of design.

We agree that placemaking expertise is important for LPAs, although we would grant LPAs flexibility to decide how they deliver these roles within their own structures.

We would hope that a greater focus on placemaking in LPAs (whether centralised in the 'Chief Designer' or simply as a strategic purpose) would require greater integration of things like the historic environment and natural environment into mainstream planning thinking on place. We would like to see any new placemaking/design posts charged with such a collaborative brief. Expertise on this should be embedded at a senior level in planning teams.

This proposal is contingent upon additional funding, and across most proposals, the greatest good that government could do would be to fund LPAs to a higher level.

**19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?**

No.

Homes England has not been noted for its understanding of environmental issues, including the historic environment. This lack of expertise would need to be addressed if it was to be responsible for leading on placemaking strategy (see our earlier comments on inclusion of heritage within placemaking and design).

**20. Do you agree with our proposals for implementing a fast-track for beauty?**

Not sure.

We are not opposed to the principle of a 'fast track for beauty' consent route provided that this streamlined consent process still meets sustainability standards in all other areas (see our answer to question 9b). For instance, any streamlined application will still need to be subject to suitable heritage impact assessment and mitigation and other sustainability tests.

We would also like to propose that it is not only demonstrably exceptional design that might merit favourable treatment in planning, but also other exceptional developments. We would therefore expand this proposal to include developments which recognise and design for local distinctiveness and can thus enhance cultural as well as natural capital. For example, developments which explicitly draw upon the positive effects of heritage sites and monuments to enhance people's lives and underpin vibrant economies. Such an approach could sit alongside parallel approaches to biodiversity net gain objectives linked to planning.

**21. When new development happens in your area, what is your priority for what comes with it?**

N/A

**22(a). Should the government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?**

Not sure.

Care must be taken to ensure that activities currently funded by S.106 and CIL are not limited by the move to a consolidated levy. For example, under the current system various public benefit schemes are funded through S.106. The amount of funding available should not decrease.

It is possible that additional mechanisms to capture land value uplift should be considered where they could provide an additional or alternative route to ensuring that necessary works arising from the need for development can be paid for. For example, land value capture mechanisms could secure payment from landowners to undertake necessary works which the LPA would undertake to ensure that adequate information is available to inform automatic outline consents in growth areas.

This would be a fair way to ensure that landowners – who will benefit from betterment associated with allocation within a growth area – contribute to ensuring sustainability in a system which front-loads the need for assessment of sites prior to or in lieu of the submission of a (simplified) planning application and enables certainty to be provided to developers.

**22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?**

Not sure.

**22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?**

No comment.

**22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?**

No comment.

**23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?**

Yes.

The infrastructure levy should be able to capture uplift on any development which brings additional infrastructure pressures on an area.

**24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?**

No comment.

**24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?**

No comment.

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

No comment.

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

No comment.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

No comment.

25(a). If yes, should an affordable housing 'ring-fence' be developed?

No comment.

If you have any questions or would like further information, please do not hesitate to contact me.

Yours sincerely,



**Rob Lennox**

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