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Dear Sir / Madam,

### **Planning for the right homes in the right places: consultation proposals<sup>1</sup>**

Thank you for the opportunity to comment on these consultation proposals. This response is submitted on behalf of the Chartered Institute for Archaeologists (CifA) a professional body representing archaeologists working across the UK and overseas, the Council for British Archaeology (CBA) representing the public voice for archaeology, and the Federation of Archaeological Managers and Employers (FAME) the trade association for commercial archaeological organisations. Details of these bodies are provided in a separate appendix.

### **Planning for the right homes in the right places**

#### **General**

CifA, CBA and FAME recognize and endorse the Government's objective to revitalise home-building in England<sup>2</sup> and continue strongly to support planning reforms which strengthen the plan-led system and facilitate the timely delivery of sustainable development in accordance with the National Planning Policy Framework (NPPF).

The planning system has a key role to play in managing and safeguarding the nation's archaeological resource, much of which is undesignated and some of which has yet to be discovered. This role is implicit in the concept of sustainable development and our major concern in considering proposals for planning reform is that sustainability risks being sacrificed in an effort to improve housing production at any cost. In the absence of appropriate safeguards, there is likely to be irremediable damage to the historic environment.

Current planning policy, enshrined in National Planning Policy Framework, represents the best protection for the historic environment of all past government policies, and creates a sensible balance between development and protecting the nation's heritage.

Its provisions relating to the historic environment do not need major change. Other proposed changes to the NPPF cannot be viewed in isolation and will almost inevitably affect the delicate balance between the economic, social and environmental dimensions of sustainable development. For instance, any revision of planning policy which in practice inflates the level of housing need calculated for planning purposes is bound ultimately to make environmental assets (including heritage assets) more vulnerable to loss and damage. A more holistic approach to sustainable development needs to be taken, recognising the mutual dependence of each dimension.

### Specific Questions

**Question 1: a) do you agree with the proposed standard approach to assessing local housing need? If not, what alternative approach or other factors should be considered?**

1.1 No.

1.2 The proposed standard approach (involving considerations such as ‘market signals’) does not in any meaningful way differentiate between ‘need’ and ‘aspiration’ with the result that unreasonably inflated figures for need are likely to be produced.

1.3 Furthermore, the avowed aim to produce ‘objectively assessed need’ in line with the NPPF (see paragraph 11 of the consultation document) evaporates on the most cursory inspection of the proposals. Paragraph 21 of the consultation paper states:

*‘... external commentators suggest that England needs net additions in the region of 225,000 to 275,000 per year. To get a total housing need close to this figure, our modelling proposes that each 1 per cent increase in the ratio of house prices to earnings above four results in a quarter of a per cent increase in need above projected household growth. This achieves the overall level of delivery that most external commentators believe we need ...’*

1.4 That approach is a world away from objective assessment and involves starting with a pre-conceived notion and finessing a mathematical formula to achieve the desired result with specious precision. Other external commentators have suggested that the application of such a formula will produce wholly unrealistic increases in housing need figures in some areas of 100% or more.

1.5 The consultation document is unclear about how and when environmental capacity will be taken into account in the process, a key issue for ClfA, CBA and FAME. The table accompanying the consultation document provides indications of the extent of Green Belt, National Parks, Areas of Outstanding Natural Beauty and Sites of Special Scientific

Interest in each local authority area (see paragraph 27), but there is no reference to heritage designations (see footnote 9 to the NPPF) or other heritage assets of equivalent importance. Furthermore, preventing local planning authorities without an up-to-date local plan or spatial development strategy from factoring land constraints into the baseline for establishing their five year land supply (see paragraph 48) is unwarranted and impacts upon the local environment as much as the local authority. It is insufficient to say (as the consultation document does) that *'the decisionmaker will still need to take account of all policies in the National Planning Policy Framework'* since, once the baseline is established, it is an uphill struggle to protect the environment (including the historic environment).

1.6 It is also unclear what relevance *'the percentage of land which is unregistered within the boundaries of a local authority'* has in identifying *'areas of greatest housing need'* as set out in paragraph 43 of the consultation document.

1.7 We are not opposed to identifying housing need using a clear and justified, standard method, but this is not it. Any method should be truly objective, differentiate between need and aspiration and ensure that environmental capacity is taken into account in all cases in this process.

**Question 2: do you agree with the proposal that an assessment of local housing need should be able to be relied upon for a period of two years from the date a plan is submitted?**

2.1 No comment.

**Question 3: do you agree that we should amend national planning policy so that a sound plan should identify local housing need using a clear and justified method?**

3.1 Only if that method is realistic and addresses the concerns expressed above.

**Question 4: do you agree with our approach in circumstances when plan makers deviate from the proposed method, including the level of scrutiny we expect from Planning Inspectors?**

4.1 No.

4.2 If a method is adopted which is objective, clear and justified, any deviation from that method should be assessed on a consistent basis, regardless of whether a higher or lower housing need figure was produced. Requiring *'compelling reasons'* to reject

an assessment of local housing need in excess of that which the standard method would provide suggests an inconsistent approach and raises fears that ‘*compelling reasons*’ may be difficult to establish.

**Question 5: a) do you agree that the Secretary of State should have discretion to defer the period for using the baseline for some local planning authorities? If so, how best could this be achieved, what minimum requirements should be in place before the Secretary of State may exercise this discretion, and for how long should such deferral be permitted?**

5.1 No comment.

**b) do you consider that authorities that have an adopted joint local plan, or which are covered by an adopted spatial development strategy, should be able to assess their five year land supply and/or be measured for the purposes of the Housing Delivery Test, across the area as a whole?**

5.2 No comment.

**c) do you consider that authorities that are not able to use the new method for calculating local housing need should be able to use an existing or an emerging local plan figure for housing need for the purposes of calculating five year land supply and to be measured for the purposes of the Housing Delivery Test?**

5.3 Yes.

**Question 6: do you agree with the proposed transitional arrangements for introducing the standard approach for calculating local housing need?**

6.1 No comment, save that, if local planning authorities are to be penalised for not having an up-to-date local plan or spatial development strategy (as discussed at paragraph 1.5 above), transitional provisions should seek to ameliorate the position in the short term.

**Question 7: a) do you agree with the proposed administrative arrangements for preparing the statement of common ground?**

7.1 No comment, save that we support the production of statements of common ground and note that ‘*strategic planning matters*’ are not confined to housing issues

and can extend to a wide variety of issues including those relating specifically to the historic environment.

**b) how do you consider a statement of common ground should be implemented in areas where there is a Mayor with strategic plan-making powers?**

7.2 No comment.

**c) do you consider there to be a role for directly elected Mayors without strategic plan-making powers, in the production of a statement of common ground?**

7.3 No comment.

**Question 8: do you agree that the proposed content and timescales for publication of the statement of common ground are appropriate and will support more effective co-operation on strategic cross-boundary planning matters?**

8.1 No comment, save that care needs to be taken to ensure that these statements are not confined to housing issues (see paragraph 7.1 above).

#### **Question 9**

**a) do you agree with the proposal to amend the tests of soundness to include that:**  
**i) plans should be prepared based on a strategy informed by agreements over the wider area; and**  
**ii) plans should be based on effective joint working on cross-boundary strategic priorities, which are evidenced in the statement of common ground?**  
**b) do you agree to the proposed transitional arrangements for amending the tests of soundness to ensure effective co-operation?**

9.1 No comment.

**Question 10: a) do you have suggestions on how to streamline the process for identifying the housing need for individual groups and what evidence could be used to help plan to meet the needs of particular groups?**

**b) do you agree that the current definition of older people within the National Planning Policy Framework is still fit-for-purpose?**

10.1 No comment.

**Question 11: a) should a local plan set out the housing need for designated neighbourhood planning areas and parished areas within the area?**

11.1 We would have concerns about such an apportionment given the deficiencies of the proposed, standard method for calculating housing need (including the failure adequately to take environmental capacity into account) and the risk of unrealistic baselines being transferred to a neighbourhood level.

**b) do you agree with the proposal for a formula-based approach to apportion housing need to neighbourhood plan bodies in circumstances where the local plan cannot be relied on as a basis for calculating housing need?**

11.2 No. Taking the population of the neighbourhood planning area and calculating what percentage it is of the overall population in the local planning authority area is a crude measure which takes no account of environmental capacity and other related issues.

**Question 12: do you agree that local plans should identify the infrastructure and affordable housing needed, how these will be funded and the contributions developers will be expected to make?**

12.1 Yes.

**Question 13: in reviewing guidance on testing plans and policies for viability, what amendments could be made to improve current practice**

13.1 Such testing should be the responsibility of the local authority, but, equally, resources need to be provided for any extra responsibilities imposed on such authorities either from central government, the development sector or some other source.

**Question 14: do you agree that where policy requirements have been tested for their viability, the issue should not usually need to be tested again at the planning application stage?**

14.1 Yes.

**Question 15: how can Government ensure that infrastructure providers, including housing associations, are engaged throughout the process, including in circumstances where a viability assessment may be required?**

15.1 No comment.

**Question 16: what factors should we take into account in updating guidance to encourage viability assessments to be simpler, quicker and more transparent, for example through a standardised report or summary format?**

16.1 No comment.

**Question 17: a) do you agree that local planning authorities should set out in plans how they will monitor and report on planning agreements to help ensure that communities can easily understand what infrastructure and affordable housing has been secured and delivered through developer contributions?**

17.1 Yes. This should not be confined to infrastructure and affordable housing and should also extend to planning conditions. Public confidence in the system would be increased if more comprehensive information was routinely made available to the public about safeguards for, and other provisions relating to, the historic environment.

**b) what factors should we take into account in preparing guidance on a standard approach to monitoring and reporting planning obligations?**

17.2 Monitoring and reporting of planning obligations and conditions should include information relating to enforcement of those obligations and conditions.

**c) how can local planning authorities and applicants work together to better publicise infrastructure and affordable housing secured through new development once development has commenced, or at other stages of the process?**

17.3 No comment.

**Question 18: a) do you agree that a further 20 per cent fee increase should be applied to those local planning authorities who are delivering the homes their communities need? What should be the criteria to measure this?**

18.1 No.

18.2 It is developers who deliver homes; local planning authorities facilitate that delivery through the operation of the planning system and other means. Even if the

delivery of housing can be directly attributed to local authorities, it is unhelpful further to hamstringing authorities which are underperforming, often due to lack of resources.

18.3 Local authority historic environment and archaeology services (which play an important role in the operation of the planning system) are under intense financial pressure<sup>3</sup> and measures limiting their access to funding should be avoided wherever possible.

**b) do you think there are more appropriate circumstances when a local planning authority should be able to charge the further 20 per cent? If so, do you have views on how these circumstances could work in practice?**

18.4 Yes. The ability to charge increased fees might be linked to the provision of services in accordance with agreed standards (as regards the management and protection of the historic environment in the planning system, see, for instance, [http://www.archaeologists.net/sites/default/files/ClfAS&GArchadvice\\_2.pdf](http://www.archaeologists.net/sites/default/files/ClfAS&GArchadvice_2.pdf)), provided that those increased fees could be used to contribute to the funding of the services in question.

**c) should any additional fee increase be applied nationally once all local planning authorities meet the required criteria, or only to individual authorities who meet them?**

18.5 Such additional fee increase should be applied only to individual authorities who meet the required criteria.

**d) are there any other issues we should consider in developing a framework for this additional fee increase?**

18.6 No comment.

**Question 19: having regard to the measures we have already identified in the housing White Paper, are there any other actions that could increase build out rates?**

19.1 No comment.

We would be happy further to discuss the issues raised in this consultation insofar as they affect the historic environment. In the meantime, if there is anything further that we can do to assist please do not hesitate to contact us.

Yours faithfully,

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<sup>1</sup><https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

<sup>2</sup> See, for instance, our response to the Housing White Paper:

<http://www.archaeologists.net/sites/default/files/CIfA%20FAME%20CBA%20ALGAO%20response%20to%20consultation%20on%20the%20Housing%20White%20Paper.pdf>

<sup>3</sup> See Heritage Counts 2016: <https://content.historicengland.org.uk/content/heritage-counts/pub/2016/heritage-indicators-2016.pdf>

## APPENDIX

### The Council for British Archaeology (CBA)

CBA is the national amenity society concerned with protection of the archaeological interest in heritage assets. CBA has a membership of 620 heritage organisations who, together with our thousands of members, represent national and local bodies encompassing state, local government, professional, academic, museum and voluntary sectors.

### The Chartered Institute for Archaeologists

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

ClfA has over 3,500 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.

Federation of Archaeological Managers and Employers (FAME)

FAME is the trade association for archaeological employers and managers. FAME represents one in three archaeological practitioners, employing the majority of archaeologists across the UK. Its membership includes over 50 archaeological practices, from small consultancies to all the largest contractors, from commercial companies, universities and local authorities across England, Scotland and Wales. In addition to representing its members' interests in matters of policy, its aims are to foster an understanding of archaeology across the construction and development sector and promote best professional practice, training and development, and a safe and healthy work environment.