The Neighbourhood Planning Bill
Briefing on archaeology in the Public
Bill Committee debate

What has been said?

CiFA are pleased that archaeology has remained a high profile issue in this stage of the Bill passage through parliament due to the concern over the provisions of clause 7 of the Bill concerning ‘restrictions on power to impose planning conditions’.

The profile of this issue stems from the strong adverse response of the public¹ and the archaeological sector to the potential of the Bill to undermine archaeological protections in the planning system – as well as protections for other environmental and ecological issues. The government has maintained that this is categorically not the intention²³⁴⁵.

What are the remaining concerns?

A significant proportion of the Public Bill Committee discussions concerned the issues of whether the provisions on pre-commencement conditions will

i. add to the likelihood that Local Planning Authorities will perceive pressure to grant applications without the necessary safeguards for archaeology and the environment
ii. add further uncertainty if the appropriateness of archaeological conditions has to be decided on appeal
iii. compound the identified issue of under-resourcing of local planning authorities, including historic environment specialists

In addition, we wish to firmly underline that archaeological conditions are a risk-reducing measure for developers and are public benefit to communities.

What happens next?

We believe that the Government should be questioned on whether exemptions to Clause 7 (5), made possible under Clause 7(6) will be utilised to provide protections for environmental and heritage safeguards. This would appear to be a logical way to ensure that local authorities remain in a strong position to demand sustainability, as defined within the National Planning Policy Framework – whether through direct implications of the Bill or indirect implications of a shift in power.

We also await the Government’s response to the consultation on the use of pre-commencement conditions which will address a body of technical concerns relating to the possible implementation of provisions and commend these discussions to Members of both houses in future discussions.

¹ UK Petitions: ‘Stop the destruction of British archaeology – Neighbourhood and Infrastructure Bill’ (https://petition.parliament.uk/petitions/130783)
² DCLG Press release: “…ensure that planning conditions which require developers to take action before work starts are only used where strictly necessary, but in a way that ensures important heritage and environmental safeguards remain in place…” (https://www.gov.uk/government/news/new-bill-will-boost-growth-and-housebuilding)
³ Gavin Barwell MP: “it is entirely appropriate to address those [archaeological concerns] through a pre-commencement condition” (Committee Report p.172)
⁴ Gavin Barwell MP: “Archaeological work is necessary and will always have to be pre-commencement, but it clearly takes time.” (Committee Report p.203)
⁵ Gavin Barwell MP: “Archeology clearly needs to be considered” (Committee Report p.204)