

Rescue

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Draft revised National Planning Policy Framework

Response from RESCUE, The British Archaeological Trust

Q1: Do you have any comments on the text of Chapter 1

No

Q2: Do you agree with the changes to the Sustainable development objectives and the presumption in favour of sustainable development

Paragraph 8b: We are concerned that the introduction of the word “fostering” into this paragraph, instead of the previously specified “creating” has diluted this requirement. We would recommend replacing it with “requiring”.

Paragraph 11, footnote 7: This should include World Heritage Sites. Note also later discussion regarding the importance and status of “non-designated” heritage sites, including archaeology.

Rescue **does not** agree with the principle of the presumption in favour of sustainable development, as the definition of what is “sustainable” is inadequate and vague, and given without practical examples or case study. This overreaching “presumption” is detrimental to the long-term survival of our built and natural environment, and is at odds with principles of heritage conservation, reuse of existing buildings, and considerations regarding embodied energy. The NPPF should include policy provisions and incentives for the specific retention and reuse of existing buildings to contribute to realistic principles of sustainable development. The “presumption” paragraph (11) also indicates that development should by default be approved where policies are out-of-date, but does not specify what constitutes an out-of-date policy. All development should conform to existing policy, and only local policy that actively conflicts with or contradicts more recent national policy should be considered wholly “out-of-date”. Declaring perfectly sensible and reasonable and valid policy to be out-of-date and therefore invalid simply because of an arbitrary “use-by” date operates against any previously-discussed principles of sustainability. The rigid and inflexible automatic grant of permission where LPA’s are unable or haven’t demonstrated a constant 5-year housing supply also actively operates against any principles of sustainability in development and heritage conservation. In short, this entire section and thus the operation of the planning process in this way, is flawed, objectionable, and should be abolished and reconsidered.

Q3: Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

No comment

Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

The meaning of paragraph 14 is so obscure as to be almost impenetrable. This paragraph requires significant clarification if it is to be intelligible to any but the most experienced planning specialist.

Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

The requirement for local authorities to review plan policies every five years is unnecessary in circumstances where the primary national legislation or international obligations upon which that policy might be based have remained unchanged. Paragraph 23 should specify that a simple statement of renewal of such policy could and should suffice, rather than a full review being necessary.

Q6 Do you have any other comments on the text of Chapter 3?

A definition of the meaning of “positive” is required in the context of a “positively prepared plan” or a “positive vision”. “Positive” should not be mistaken with “new” and it should be clear that in historic environment terms, a “positive” strategy or plan could and should include proactive policies requiring retention and refurbishment of existing structures of heritage or townscape merit. A “positive” plan for the consideration of as yet undiscovered or previously unrecorded undesignated heritage assets of archaeological interest that might be at threat from development of unsurveyed sites would require that all local plans should include specific policy for archaeological prospection to ensure the NPPF’s provisions for such remains (paragraphs 185-186) can be met.

Q7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

No. However, Viability Assessments have been documented as being used by developers as a mechanism for avoidance of planning obligations, most specifically, the avoidance of affordable housing quotas. Far from being made public, they should be abolished. Where a local plan carries a requirement for various obligations associated with development to be fulfilled, the onus should be on the developer to fulfil these and the process should not offer backdoor opportunities for their avoidance.

Q8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

See above.

Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

No comment

Q10 Do you have any comments on the text of Chapter 4?

Paragraph 44 should add “archaeological study” to the list of formal assessments that might be required to inform good decision-making.

Paragraph 48 demonstrates how the planning process has been subverted from one which provides for (for example) good practice in design, conservation and decision-making to one which is beholden to the whim of the applicant. This bias does not contribute to the operation of a well-rounded planning process. Additionally, the lack of significant movement on issues such as the failure to build sufficient numbers of new houses since the NPPF was created despite the biases in favour of developers that it contains, is a demonstration of the fact that the failure to build lies not with local authorities that the Government has scapegoated as being obstructive, but with the developers that are now effectively in charge of the system.

Where the requirements of paragraph 56 can be demonstrated by the planning authority, the additional and onerous requirement of section 100ZA(4-6) of the Town and Country Planning Act 1990, requiring the applicant’s agreement to the imposition of a pre-commencement condition, is entirely superfluous and contrary to the smooth operation of the planning process. Footnote 20 mentions “unless prescribed circumstances apply”, but the Government has not set out what these prescribed circumstances are. As a process that by definition must be undertaken prior to developmental destruction, it is absurd that archaeological planning conditions are not automatically exempted from this problematic and unnecessary additional step that has been introduced into decision-making.

Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

No comment

Q12 Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

No. An ongoing five year supply of deliverable housing sites is unrealistic in densely-populated areas, and outside the control of the planning authorities where developers employ land banking and stockpile permissions. The NPPF should foster a more balanced system that doesn’t penalise authorities that have granted permission for development, but where the applicants hasn’t enacted that permission.

Q13 Do you agree with the new policy on exception sites for entry-level homes?

No comment

Q14 Do you have any other comments on the text of Chapter 5?

No comment

Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

No comment

Q16 Do you have any other comments on the text of chapter 6?

No comment

Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

No comment

Q18 Do you have any other comments on the text of Chapter 7?

No comment

Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

No comment

Q20 Do you have any other comments the text of Chapter 8?

No comment

Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

No comment

Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?

No comment

Q23 Do you have any other comments on the text of Chapter 9?

No comment

Q24 Do you have any comments on the text of Chapter 10?

No comment

Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

No comment

Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

No comment

Q27 Do you have any other comments on the text of Chapter 11?

No comment

Q28 Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

No comment

Q29 Do you have any other comments on the text of Chapter 12?

No comment

Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

We would stress here that measures for using brownfield land must include the necessary provisions for conducting prior archaeological assessment and/or evaluation, to determine the nature of any archaeological resource that might be present.

Q31 Do you have any other comments on the text of Chapter 13?

No comment

Q32 Do you have any comments on the text of Chapter 14?

No comment

Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

No comment

Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

No comment

Q35 Do you have any other comments on the text of Chapter 15?

No comment

Q36 Do you have any comments on the text of Chapter 16?

The revised draft omits paragraphs 169 and 170 of the existing NPPF, which set out the policy requirement for local authorities to use up-to-date information about the historic environment to predict the likelihood that currently unidentified heritage assets might be discovered in the future, have access to HERs and encourage the preparation of landscape character assessments. These policies are crucial to the way local authorities manage the likely occurrence of discovering unknown archaeological or heritage features during the development process, and provide for the appropriate and timely assessment and management of this issue. Moving these statements to the glossary downgrades and diminishes the importance of the historic environment, and will almost certainly make it more difficult in the future to manage undiscovered heritage assets within the planning process, leading to loss of sites and information. Failure to address the concerns at an early stage in the process will also lead to delays later when archaeology might be revealed on a site post-commencement of development works. **Rescue recommends that Paragraphs 169 and 170 of the existing NPPF should be reinstated.**

The current NPPF has a paragraph (139) which deals with non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments. In the revised draft NPPF this is relegated to a footnote (number 55). This clearly downgrades and diminishes the importance of this policy provision. **Rescue objects strongly to this downgrade and recommends that this statement should be returned to the main text.**

Section 16 lacks a policy requiring the principle and process of attempting to identify previously undiscovered archaeological remains within the planning process, to prevent the unnecessary destruction of unrecorded evidence. Many local authorities advocate just such a process and have found this to be beneficial to all parties. **Rescue strongly recommends that the NPPF should require a policy for the prospecting for archaeological remains on previously unsurveyed sites.** This would save time in the development process and avoid the possibility of surprise or chance archaeological discoveries derailing development. It would also mitigate for the loss of the current paragraph 169, the provisions of which are not replicated elsewhere following the deletion of the plan-making section.

Footnote 56 states that “Copies of evidence should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository.” This is accepted national best practice, and has been for many number of years. **Rescue strongly objects to this proposal being buried in a footnote and recommends that this statement should be within the main body of the text** in order to facilitate both the implementation of best practice, and to support local HERs and archiving services. This is an appropriate time to also mention that Rescue is dismayed that both HERs and local archaeological archiving provisions still fail to attract the necessary support from the Government, either in the form of central funding, statutory provision, or now (if this draft NPPF becomes enforced in its current

form), adequate support and reference in the relevant policies. We support the recommendations of the 2014 report “*The Future of Local Government Archaeology Services*” and still await adequate Government action to address the recommendations it contains.

Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?

No comment

Q38 Do you think that planning policy on minerals would be better contained in a separate document?

No comment

Q39 Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

No comment

Q40 Do you agree with the proposed transitional arrangements?

No comment

Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

No comment

Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

No comment

Q43 Do you have any comments on the glossary?

The draft NPPF has changed the definition of Historic Environment Records (in the Glossary) from “services” to “resources”. This reduces the scope and importance of HERs and loses the link between HERs and their accompanying archaeological and conservation advisory services. **Rescue strongly objects to this rewording and recommends returning to the original and perfectly acceptable definition of what an HER is.**

The new definition also includes the statement “*Every local planning authority should maintain a Historic Environment Record or have access to one*”. Rescue supports and agrees with this statement, but as this is long-established and accepted national policy, it should clearly be set out within the main body of the text. **Rescue strongly recommends moving this statement to the main text of the document.**

The draft document's definition of Archaeological Interest omits the second sentence from the existing definition. This sentence, which states "*Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.*" **Rescue objects to the omission of this statement. We believe that this statement is an important explanation of policy and should be both returned to the document, and be within the main text.**

The draft NPPF has deleted the definition of the Historic Environment from the glossary. **This definition should be reinstated to the Glossary.**

Overall comments:

The draft document has deleted reference to the historic environment in a number of areas where previously it occurred (for example the original paragraphs 9, 17 and 57). This can only be interpreted as a downgrading of status. The draft revisions to the NPPF are outlined within the consultation as being relatively minor, but it is RESCUE'S opinion that the balance between environmental safeguarding and the practice of development is being further tipped in favour of the latter, with little regard for the need for, or practice of, the former. Given the downgraded status of the historic environment within the draft NPPF (coupled with recent changes to legislation) it is RESCUE's opinion that the system **is no longer fit for the purpose of being an effective tool for the sensitive and sustainable management of our heritage resources.**

The coalition government under David Cameron introduced the NPPF as part of a "bonfire" of quangos and legislation, designed to make the system simpler. The current Government is pursuing a policy of deliberate arson – removing heritage protection principles a piece at a time through selective burning. The changes from the previous version are on the surface minor, but it is our opinion **that these revisions significantly diminish the current protection systems and pose an unacceptable threat to the historic environment.**

We strongly urge that measures are taken to rectify this situation, including adoption of the suggestions we have made in respect of revisions to the NPPF.



Jude Plouviez, Chair

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