



# SOCIETY OF ANTIQUARIES OF LONDON

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## Society of Antiquaries of London Response to DCLG's White Paper, *Fixing our broken housing market*

The Society of Antiquaries is pleased to have the opportunity to comment on the Department for Communities and Local Government's Housing White Paper, *Fixing our broken housing market*.

The Society of Antiquaries of London, an elected college of 3,000 Fellows, is Britain's oldest independent learned society concerned with the study of the material culture of the past. Founded in 1707, its Royal Charter of 1751 defines the Society's aim as 'the encouragement, advancement and furtherance of the study and knowledge of the antiquities and history of this and other countries'. The range of the Society's interests thus covers a wide field, from the archaeology of all periods and all countries to heraldry and art history, architectural history and other subjects based on the material remains of the past. The Society recognizes that understanding the past is relevant to present and future generations; that the tasks of safeguarding, protecting and disseminating knowledge about heritage are important for the world of today; and that research and debate about, as well as respect and appreciation for, the material remains of the past are fundamental to our understanding of ourselves.

We begin our response with our view of the main effects of the proposed measures on the historic environment, followed by our responses to your questions where these are relevant to our core values ([www.sal.org.uk/media/414372/2016\\_04\\_statement-of-values.pdf](http://www.sal.org.uk/media/414372/2016_04_statement-of-values.pdf)).

### Overview

The Society of Antiquaries is supportive of initiatives to improve the housing sector in Britain, and the Government's desire to 'build many more houses, of the type people want to live in, in the places they want to live'. Research by Historic England has shown that people value historic environments as places to live, and that it gives them a sense of place, a sense of pride and a sense of belonging. We particularly welcome the aim to deliver quicker and more effective processing and determination of planning applications, by 'boosting local authority capacity and capability'. A robust planning system is vital for ensuring sustainable development, which must include the protection of the historic environment, and the desire to take steps 'to secure the financial sustainability of planning departments' and 'ensure that the planning system has the skilled professionals it needs' is to be applauded. We have noted with dismay, however, the reduction in the numbers of archaeologists and other heritage professionals in Local Authority planning teams in recent years, on which we made comments in our response to the Future of Local Government Archaeology Services Report.

Although we are pleased to see that the Government will 'continue to support the existing principle that developers are required to mitigate the impacts of development in their area', we have grave concerns that measures introduced in this White Paper will undermine the spirit of these principles as set out in the National Planning Policy Framework (NPPF 2012). The current proposals to make seemingly small changes to the wording of the Framework will have the potential to cause significant harm to historic environment resources, some of which lie buried and as yet undetected, by changing the balance of evidence in favour of development over protection. NPPF will become unworkable if it is subjected to small-scale amendments which

collectively have the effect of watering down the Government's commitment to the protection of the historic and natural environment.

Our disquiet is reinforced by the frequent references in the White Paper to ~~onerous planning conditions~~ and ~~unnecessary delays~~ without an indication of the character of these alleged obstacles. Without a clearer statement from the Government about its support for heritage as part of its plans for sustainable development, these obstacles will be viewed by some as including the legitimate and justifiable need for the protection of the historic environment or for its investigation in advance of development.

### **Question 1**

**Do you agree with the proposals to:**

**a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 [= strategic priorities] of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?**

This appears to be sufficiently clear in the existing NPPF paragraph 156.

**b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?**

We have no objection to this proposal, as long as the potential for archaeological remains on these sites has been assessed, evaluated and taken into account in the allocation, and the impact on the wider historic environment has been considered.

**c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?**

It is difficult to answer this question without more information on the proposed revision. If, by ~~ensuring that clear and concise evidence is available~~(A.19), you mean that less information will be required for decision making, we do not agree. The ability of authorities to grant permission in principle to allocated sites (Housing and Planning Act 2016) means that, for historic environment assets, more information is needed rather than less.

### **Question 2**

**What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?**

No comment, as long as the appropriate assessments of impacts on the historic environment are undertaken and considered in all cases.

### **Question 3**

**Do you agree with the proposals to:**

**a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?**

No comment.

**b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?**

No comment.

#### **Question 4**

***Do you agree with the proposals to amend the presumption in favour of sustainable development so that:***

***a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;***

We have no objections to this proposal as long as the appropriate assessments of impacts on the historic environment are undertaken and considered (as above), and that the need for the conservation and enhancement of the historic environment (NPPF, paragraph 126) has been taken into account.

***b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;***

We do not believe that, in respect of the historic environment, the current wording of the NPPF is a barrier to identified housing requirements being accommodated, nor are we aware of any evidence that this is the case. Moreover, we consider that the suggestion that housing needs should be accommodated unless there are strong reasons against this will place an added duty on local authorities to assess the reasons against its provision, and the word "strong" may require further definition. But we also consider that such a requirement could lead to critical questioning and possible weakening of the protection given to the most valuable heritage assets. According to this wording, too, the need for a strong reason to follow government guidance (about the importance of sustainable development criteria in the NPPF) is also an inversion of the traditional approach, whereby a strong reason not to follow government guidance would normally be sought.

***c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?***

Whereas we agree that the examples set out in footnote 9 of NPPF are grounds to restrict development, and the addition of Ancient Woodland is valuable, the creation of a prescriptive list would be both dangerous and unnecessary. It is important for Planning Authorities to have the capacity to make informed decisions on the appropriateness of development in particular cases according to local knowledge and circumstances, and not only according to prescribed and nationally documented or registered historic or environmental assets.

***d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?***

Yes.

#### **Question 5**

***Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?***

We have no objection to this.

#### **Question 6**

***How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?***

No comment.

### Question 7

***Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?***

Yes, as long as this is not to the detriment of environmental benefits.

### Question 8

***Do you agree with the proposals to amend the National Planning Policy Framework to:***

***a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?;***

We have no objection to this proposal, as long as the potential for archaeological remains on these sites has been assessed, evaluated and taken into account in the allocation, and the impact on the wider historic environment has been considered.

***b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?;***

No comment.

***c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?;***

Yes, as long as this is not to the detriment of the historic environment.

***d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?;***

No comment.

***e) expect local planning authorities to work with developers to encourage the sub-division of large sites?; and***

No comment.

***f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?.***

We have no objection to this proposal, as long as the potential for archaeological remains on these sites has been assessed and evaluated, the impact on the wider historic environment has been considered, and that the cumulative impact of many small adverse effects have been taken into account.

### Question 9

***How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?***

The Society of Antiquaries is strongly supportive of innovation and high-quality development, but this should not be at the expense of the historic environment, which is a non-renewable resource.

We have commented above on the potential impact of small incremental changes through streamlining

#### **Question 10**

**Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:**

- a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?**
- b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?**
- c) appropriate facilities for existing cemeteries should not to be regarded as ‘inappropriate development’ in the Green Belt?**
- d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?**
- e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?**
- f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?**

The Society welcomes the Government's commitment to protect the Green Belt, but we want to sound a note of caution on the subject of compensatory improvements. Heritage resources in these environments cannot be replaced.

#### **Question 11**

**Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?**

No comment.

#### **Question 12**

**Do you agree with the proposals to amend the National Planning Policy Framework to:**

- a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?;**

We do not object as long as these requirement figures have taken the historic environment into account.

- b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?;**

No comment.

- c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?;**

We would support this proposal.

- d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?; and**

No comment.

**e) recognise the value of using a widely accepted design standard, such as *Building for Life*, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?**

No comment.

#### **Question 13**

**Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:**

**a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?;**

**b) address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?;**

**c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?;**

**d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?**

Yes, as long as the historic character of the area is considered and the relevant assessments are conducted, as above.

#### **Question 14**

**In what types of location would indicative minimum density standards be helpful, and what should those standards be?**

No comment.

#### **Question 15**

**What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?**

We are concerned about the way that local development orders, and permitted development rights will be implemented. The existing planning system ensures (through NPPF) that evaluation and assessment work takes place before an application is determined. Appropriate conditions can then be placed on developments. It is not clear how historic environment assets can be protected and/or investigated in advance of development using local development orders and permitted development rights.

The wider impacts on the historic environment of urban areas also need to be taken into account, and the changing balance of new build vs protection need to be frequently assessed. For example, the accumulated impact of multiple small-scale developments in urban areas that contain extensive below-ground heritage assets with archaeological interest can be highly damaging.

#### **Question 16**

**Do you agree that:**

**a) where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?;**

No comment.

**b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?**

Yes

**c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?**

The Inspectorate should focus on whether the authority's approach is robust.

#### **Questions 17-33**

No comment.

#### **Question 34**

**Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?**

The core planning principles and policies in paras 18-219 of the NPPF as it currently stands form a careful and practical definition of sustainable development, and it is surprising that the courts have seen a requirement for this definition to be made explicit. We agree that this definition should be made clear.

#### **Questions 35-38**

No comment.

On behalf of the Policy Committee of the Society of Antiquaries of London,



John S.C. Lewis FSA  
General Secretary

2<sup>nd</sup> May 2017.