

## Forum

# The National Planning Policy Framework and Archaeology: Response to the Respondents

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The respondents to our paper highlight a lot of similarity of thought and worry about the NPPF. The two biggest emotions seem to be 'it could have been worse' and 'we must wait and see how it pans out'. That isn't the most inspiring of positions for a community to be in, but chimes with the general emotions surrounding life in Britain in mid 2012, post-Olympics community fervour notwithstanding.

The reality is that it is going to take at least a decade for global economies to realign post the 2007 crash, and until that time, every person, and every community, including everyone involved in archaeology, is going to find life pretty tough. Even once (if?) the economy improves, things will never be the same again – ours is marked as an austerity generation, alongside those of the 1930s crash and post WWII eras, in the works of future historians, and there is nothing we can do about that. Moreover, for all of the brave talk of the Chancellor in particular, economic recovery seems to be coming slowly and painfully. As discussed below, various relaxations of the new planning system are being implemented to try to boost the building sector, but we are of the opinion that these will have

limited positive and potentially significant negative effect, especially on archaeology. Ultimately, it comes down to a question of finance: until there is more money flowing around the economy, there is unlikely to be any significant improvement. How that can be achieved without rampant inflation is a question for economists, not archaeologists. But as archaeologists, we can say this – planning deregulation is not the answer. News from the Local Government Association makes this last fact very clear: house builders have amassed a 'land bank' of 400,000 undeveloped plots of land which has planning permission for new homes (a backlog equivalent to three and a half years of house building at the current rate). The planning system is not the problem here: cash flow is.

### Responses to Respondents

We thank all of the respondents for their thoughtful consideration of our paper, and highlight the following areas that we wish to highlight and discuss.

**Blanche Cameron (RESET Development)** raises the need for greater cross-working between the natural and cultural environment communities, in which in particular the multi-functionality of environmental features is emphasised. Blanche addresses the spectre of enhanced understanding at the policy level of the value and potential of our existing assets, something that **Duncan McCallum (English Heritage)** similarly focuses on as regards the 'strategic'

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emphasis of the NPPF, and whether it is more or less strategic than the policies it replaces. Like **Jonathan Edis and Elizabeth Stephen (Heritage Collective)**, Duncan highlights the urgent need for a revised practice guide to be published, ideally formally endorsed by DCMS and CLG. We echo these views that the NPPF is – or at least, has the potential to be – more strategic. We feel that one of the NPPF's strengths lies in the potential subtlety and consistency of its strategic message, especially in relation to the collaborative management of natural and cultural assets. But the emphasis here must be on the *potential* of the NPPF, not the present reality. We look forward to closer working with colleagues across sectors on this front, but if the NPPF is to be everything and more that it can be in terms of environmental protection and enhancement, then just as the NPPF can be more strategic, so the communities involved with it must be so too. It is time to get off the back foot in this regard, and for the heritage community to propose new approaches to the environment that maximise this 'strategic ambiguity' of interpretation of the NPPF.

Part of the process of fulfilling the potential of the NPPF is, as **Rob Lennox (University of York)** highlights, how to move beyond the NPPF being purely process-driven. Unless the heritage community seizes this once-in-a-generation opportunity to influence the interpretation and implementation of the NPPF in these early days while it is still 'flexible' (especially in terms of legal precedents in court cases relating to the Framework), then the successes in approach to the historic environment won over the preceding 20 years under PPG 16 and PPS5 will be lost. As Rob highlights, the idea of 'public value' for heritage and archaeology can no longer be easily perceived in the NPPF, a particular issue, if the UK is ever to ratify the Faro draft convention. This ossification of approach will only worsen in legal terms unless determined steps are taken now to exploit the short-term 'strategic ambiguity' of interpretation of the NPPF highlighted above. Such a process

brings us to **Taryn Nixon (MOLA)** and **Peter Hinton (IfA)**, both of whom raise our lack of discussion of the Southport Group's work under the NPPF's predecessor, PPS5. The proposals we make here for short-term strategic changes to the NPPF's interpretation, while legal precedents are still being established, build on the groundwork laid by the Southport Group. The question that we throw back to Taryn and Peter, however is – what next? The reason that we did not mention the Southport Group in our original comments is that from the practitioner perspective that we both come from, the Group's work, while useful, does not seem to have immediate applicability to the new circumstances of the NPPF. We look forward to hearing more from Taryn, Peter and their colleagues about how they will lead on this strategic development of the NPPF in the evolving economic and social contexts of the planning system.

In relation to this particular issue, **Ben Cowell (National Trust)** discusses the crucial 'transition year' in which local authorities are supposedly updating their local plans, as being a crucial moment in determining the longer-term impact of the NPPF. This is also a concern raised by **Judith Rosten (CPRE)**, who highlights how essential it is that the fullest opportunity be taken to include detailed policies in local and neighbourhood plans. We share Ben and Judith's concerns. As we say, it is up to standard-bearers within our community, such as the Southport Group, the IfA and the CBA to lead on this issue. In particular, Ben raises the issue of the Localism Act, and whether or not its provisions will act as a brake on development as we originally suggested. Again, we share Ben's concerns, especially given the recent relaxation of the planning system discussed below which is being pitched by the government as 'muscular' localism. As **RESCUE** highlights, the accelerating process of neglect of non-statutory advice and HER services in local authorities, in which years of expertise is being whittled away to crisis levels in the very services in which the historic

environment principles of the NPPF will face their most stringent test, is a most pressing concern. From past experience, for all the optimism expressed by different respondents as regards seizing the strategic initiative of the NPPF, the fear has to be that the heritage community will remain trapped in the same reactive cycle of coping with changes – such as local authority cutbacks – that we have always been prone to. Seizing the strategic initiative under such circumstances will prove extremely hard, and will require new approaches and new styles of leadership.

An example of this challenge come from **Jonathan Edis and Elizabeth Stephen (Heritage Collective)**, who highlight the problem of actually proving 'substantial' vs. 'negligent' harm within the legal, especially court system. Here, surely, is as good a starting point as any for our community to demonstrate its strategic muscle, its vision. Before any legal precedent is set or interpretations of this issue produced by other groups, let the heritage community – led, perhaps, by the Southport Group – draw a line in the sand and rapidly determine and *disseminate* authoritative guidance on what we deem to be 'substantial' vs. 'negligent' harm. It is as good a starting point as any for our fight-back.

### The Threat of Ongoing Reforms

As regards the broader spirit of such a fight-back in response to the NPPF, what seems to be as great a concern is the heritage sector's continued inability to get off the back foot in response to *emerging* planning reform. Barely has the dust settled from the introduction of the NPPF before a series of additional 'reforms' to the planning regime have been announced in recent weeks by the government. It is notable that there has been a determined and calculated attempt by the government to forestall potential critics of such reform this time around, learning lessons from the drubbing the government received over the NPPF in the national press back in the autumn of 2011. The timing of announcements about the proposed changes

(the first week of September 2012) coincided with the end of the Paralympics and the start of the new school year, ensuring that these announcements did not make front-page news, and were quickly forgotten.

The government has been extremely vague about what, if any, actual legal changes they are implementing. But broadly, the proposals include:

- New powers for the Planning Inspectorate to overrule projects blocked by councils on the basis of 'delays' or unspecified 'wrong' decisions (going against much of the general spirit of the Localism Act towards decentralised decision-making in the planning process), including making it harder for residents to object to new developments;
- Relaxed rules for building on the Green Belt, including the possibility of 'offsetting' – sacrificing one section of the Green Belt if it is replaced by 'green' space elsewhere (which ignores the fact that the value of the Green Belt lies in its coherence and special landscape value of distinct areas, not 'green space' in general);
- Relaxed rules over home extensions, allowing those to double the size allowed at present without planning permission, with extensions up to six meters from the back wall of terraced or semi-detached homes (currently three metres is allowed) or eight meters from the back wall of detached homes (currently four meters is allowed);
- Relaxed rules on business developments, with shops free to add another 100 sq meters and industrial units another 200 sq metres to their premises without planning permission (this and also the previous bullet point on home extensions may have particularly bad impacts on undesignated archaeological sites, especially those within locations like World Heritage Sites);
- New economic incentives to development and investment, including a £10 billion underwriting programme by the Treasury

to help property developers and housing associations and more assistance for first-time buyers;

- Plans for legislation in the spring of 2013 that will change the planning appeals system, making it harder for residents to hold up developments

For all of its strategising, the heritage sector has missed a trick here. At this key moment, there was a golden opportunity for the heritage sector to make a determined stand in the media on these reforms, building on the goodwill and sense of 'historic identity' fostered by the opening and closing ceremonies of the Olympic and Paralympic Games, all of which made broad use of historical imagery.

For all of the talk above of seizing a strategic initiative, here is an example of the same old practice of well-intentioned defense and deference among the heritage community as regards to media relations, with a strong showing from the natural environment community in criticism of these changes, but virtual silence from the heritage community. It is not an auspicious start. The autumn and winter of 2012 will doubtless see much debate on these issues, which threaten to seriously undermine the current planning system and the repeated promises of the government that they will protect the environment through the planning system. We must not miss any further opportunities to vigorously insert our voices into this debate.