



‘Planning for the Future’ white paper consultation: response from the Essex Society for Archaeology and History

1. Introduction

The membership of the Essex Society for Archaeology and History (ESAH) has, since its foundation in 1852, embodied the greatest concentration of expertise on the historic environment/cultural heritage of Essex, its archaeology, historic landscapes and historic buildings. Consequently the Society is well placed to comment on the cultural heritage/historic environment implications of the proposals in the *Planning for the Future* white paper.

Planning for the Future’s guiding principle stated on page 8 ‘... to cherish the past, adorn the present and build for the future.’ and the intention to deliver ‘sustainable growth’ (page 10) are both welcome. Since the historic environment is a finite non-renewable resource, in order to cherish the past and make growth truly sustainable careful consideration must be given to it throughout the planning process. In this regard there are significant issues with the proposals set out in the white paper which will need to be addressed if its primary aims of improving the speed of decision making, increasing house building and providing certainty to developers are to be delivered in a sustainable way.

The principle points the ESAH wishes to make are set out in part 2 below. In addition, answers to some of the specific questions included in the white paper (questions 1-21), which are particularly pertinent to the way in which the historic environment is dealt with in the planning process, are included in part 3.

2. Principle Points

2.1 The white paper proposes that Local Plans should be subject to a single statutory Sustainable Development Test. The historic environment is a finite non-renewable resource in order to make development truly sustainable, full careful provision for the historic environment will be an essential factor in the Sustainable Development Test for Local Plans.

2.2 The title of section of the white paper which deals with the historic environment ‘Effective Stewardship and Enhancement of our Natural and Historic Environment’ is welcome since the natural and historic environments are inextricably linked and need to be

understood and managed in an integrated way. However, this section fails to recognise that point and is not only inadequate but misleading; it gives the impression that the historic environment consists of known, generally designated, heritage assets. In fact much of what is most significant in the historic environment, particularly in terms of historic landscapes and archaeology is not designated and never likely to be. Moreover, in terms of archaeology, much of what may turn out to be most significant is currently unknown. Most importantly the historic environment is everywhere; it is not confined to particular areas. It is essential that point is recognised in the planning process; it is equally important to recognise that the historic environment is not everywhere equally sensitive to change/development. Accordingly, the planning system must recognise the immanent nature of the historic environment and identify areas of greater or lesser historic environment sensitivity to change. Fortunately, a zonal planning system could be well placed to do that, although the work needed in order to achieve it should not be underestimated. These points must be recognised and arrangements established for effectively dealing with the full complexity of the historic environment in the proposed new planning system.

2.3 The white paper does not make clear how and at what point processes such as desk-based assessment, field evaluation, excavation and other necessary investigations will take place. These are essential to manage and mitigate risk both to the historic environment and to developers.

2.4 The current planning system deals effectively with the issues noted in **2.2** and **2.3**. It ensures that the historic environment informs the development process; and that, where development unavoidably harms the historic environment, appropriate measures are taken to mitigate and offset such harm. These measures notably include archaeological excavation. This system has worked well and has provided enhanced understanding of our past and resulted in many significant discoveries. Furthermore all this has been achieved without significant adverse impact to housebuilding, less than 0.01% of all planning applications are refused for reasons which include archaeology. The current system also avoids delay to development caused by unexpected discoveries; one estimate suggests that this provides an annual saving to developers of £1.3 billion in reduced delay costs.

2.5 Whilst part of the current system is embodied in Local Plans, most of the effective provision for historic environment issues is delivered at the planning application stage. Clearly that balance will alter considerably under the new system proposed by the white paper. Arrangements must be created to ensure proper provision for the historic environment can be set out for each of the zones proposed by the new system. Devising such a system will not be straight forward, particularly regarding the vital process of archaeological evaluation and follow on excavation. It is likely that the need for such work will have to be flagged at the zonal stage, and that field evaluation, excavation or other necessary investigations will be carried out on a site by site basis secured by planning codes, standards or conditions. It is of course the case that under the new system the costs of such work must, as under the current system, lie with the developer. That will accord with precautionary principles and the principle that those causing damage must be responsible for mitigation and offsetting, which are enshrined within the European Union (Withdrawal) Act 2018.

2.6 The current historic environment evidence base (including Historic Environment Records which all Local Planning Authorities [LPAs] are required to maintain or have access to) is

very much focused on informing decisions on individual planning applications. Most archaeological investigation is funded by developers through the planning system. The zonal planning system proposed by the white paper moves the onus of managing historic environment issues to a strategic planning stage when 'growth' and 'renewal' and 'protected' zones are defined. This will require each LPA to carry out risk or sensitivity to change mapping to inform the creation of the planning zones. Given the compressed timetable of just 30 months for every LPA in the country to have a new Local Plan in place such work would have to be carried out with extraordinary rapidity. LPAs will not have the financial resources to fund that, nor will central Government wish to pay for this necessary work. Without it there is little likelihood of the new Local Plans truly passing any statutory Sustainable Development Test. The absence of careful historic environment sensitivity mapping will mean there is great risk of irreparable damage to the historic environment; furthermore there will be considerable risk to developers of unanticipated costs and delays.

2.7 Historic Environment Characterisation (HEC) which, unlike Historic Landscape Characterisation, considers all three of the main components of the historic environment, historic landscape, historic built environment and archaeology, can be a very useful tool in addressing historic environment issues in a zonal planning system. HEC provides complete coverage of a LPA area and lends itself to assessing historic environment sensitivity to change. In Essex HEC has been carried out for the majority of LPAs within the administrative county and for one of the two Essex Unitary Authorities, consequently the county might be a good place to pilot the use of HEC in zonal planning. Of course funding would need to be made available to facilitate that.

3. Answers to specific questions included in the consultation

Question 1

Effective sustainable development

Question 2

Yes

Question 3

Online, Post, Newspaper

Question 4

Protection of the historic environment, please note this includes, archaeology, historic landscapes and historic built environment, the phrase used in this question 'protection of existing heritage buildings or areas' is conceptually flawed see 2.2 above.

The design of new homes and places, the historic environment can and should play a key part in such design issues.

The environment, biodiversity and action on climate change.

Question 5

Not Sure - at present the proposals do not have enough detail to give confidence in their effectiveness; they do not allow enough time to implement the proposed changes to the planning system and do not give enough weight to the evidence base.

Question 6

No - development management issues such as evaluation, excavation and other investigations are essential to the sustainable management of the historic environment; Local Planning Authorities play a key role in this and should continue to do so. It does not seem likely that this could be effectively delivered entirely through design codes and standards.

Question 7a

Not sure – a single consolidated statutory test of ‘sustainable development’ might work but that depends entirely on a full and inclusive definition of the meaning of the phrase. The lack of detail in the white paper, its desire to reduce both the evidence base and requirements for assessments, does not give confidence that any development would be truly sustainable.

Question 7b

Not sure – it is not clear how cross border issues can be effectively dealt with if the formal Duty to Cooperate is removed, nor is it clear why it should be removed.

Question 8a

Not sure – any advantages of certainty delivered by a single standard method might well be outweighed by a lack of flexibility to deal with local conditions and needs, which are probably best understood locally.

Question 8b

No – affordability and the extent of existing urban areas maybe reasonable factors to include but a range of other indicators should be considered to ensure balanced and sustainable development.

Question 9a

No – it is unclear that automatic outline permission for areas of substantial development in zones designated as Growth areas, with faster routes for detailed consent, would deliver *sustainable* development. Development might well be facilitated but it does not seem at all certain such development would be sustainable. In particular it is unclear how essential works to investigate and record archaeological sites and deposits and other elements of the historic environment could be delivered through reformed reserved matters process or Local Development Order. Amongst other things they would have to fully accommodate the issues noted in 2.5 and 2.6 above.

Question 9b

Not sure - it is unclear how essential works to investigate and record archaeological sites and deposits and other elements of the historic environment could be facilitated by the three suggested possible ways planning consent might be gained in zones designated as

Renewal areas. Amongst other things they would have to fully accommodate the issues noted in 2.5 and 2.6 above.

Question 9c

Not Sure – it is unclear whether a Development Consent Order under the Nationally Significant Infrastructure Projects regime would necessarily be beneficial for such developments.

Question 10

No – the heavy reliance on digital systems, many not yet created, and general tendency to reduce and standardise the evidence base, shorten timescales, planning statements and applications, and reduce requirements for assessments; does not give confidence that development which is sustainable could be delivered. It is uncertain that the new system outlined with so little detail, would in practise actually be faster or more effective.

Question 11

Not sure – a new interactive, web-based map standard for planning documents might be useful but the lack of detail, and more particularly, the very short timescale the white paper suggests for the adoption of the new planning system raises considerable doubts over its likely effectiveness.

Question 12

No – whilst the abandonment of the present planning system and its replacement by zonal planning, along the lines outlined by the white paper, could produce an effective planning system, the suggested timescale of 30 months from legislation to every Local Planning Authority having an adopted Local Plan compliant with the new system, is clearly too short. The changes are so major and the work required to ensure that a zonal planning system would deliver development that is truly sustainable is such that an extended timescale is necessary. Far better to spend time at the outset ensuring that solid groundwork for the new system is created rather than rush the process which will inevitably produce a flawed planning regime.

Question 13a

Yes – Neighbourhood Plans have considerable potential to engage local people in the long-term management, conservation and development of their local settlements and landscapes.

Question 13b

Neighbourhood Plans could play a key role in creating the standards, codes, planning requirements to ensure that changes delivered through the planning system reflect the local area and the wishes of local communities.

Question 14

Yes - it is quite clear that the lack of housing development has in large part, as the Letwin report identified, resulted from developers not wishing to proceed quickly once planning permission has been granted. Strong enforcement measures will be needed to ensure that

developers move to implement planning consents and prevent land banking and other similar practices.

Question 15

Variable some is very well designed, some quite routine and rather unremarkable and some is ugly and misplaced.

Question 16

To be truly sustainable the planning system must recognise that everywhere has a historic environment, which must be effectively understood, so that it can be properly conserved and can help shape the form and location of new development. That is important nationally but especially locally, in Essex, which has an extraordinary variety of heritage and landscape. That is something which is often underappreciated, though as the architectural historian Pevsner noted; Essex is a large county the eighth largest in England after ‘...Yorkshire, Lincolnshire, Devon, Norfolk, Northumberland, Lancashire and Somerset. In variety of character it must take precedence over most of them.’ There is an intricate interconnection between the historic and natural environment; that is true nationally, but perhaps especially true in Essex a place of ancient countryside. The recognition of the interconnection of the historic and natural environments has been one of the achievements of the last few decades. An achievement which might be undermined by the exclusion of the historic environment (aka cultural heritage) from the recent Environment Bill. The proposed changes to the planning system offer the opportunity to embrace integrated conservation and management of the historic and natural environments. That said the current wording of the white paper’s section ‘Effective Stewardship and Enhancement of our Natural and Historic Environment’ is so poor and the understanding of historic environment issues so lacking, that it militates against that desirable outcome

Question 17

Not sure – it is unclear that the full complexity and significance of local variation will be reflected by these proposals, nor is it clear that the full significance of the historic environment will be understood and its potential to shape and inform the nature and location of development realised.

Question 18

Not sure – it is not obvious that creating a new body such as this would really help create ‘provably locally-popular design codes’. Locally, Essex has a long history of creating design codes to help deliver good development which reflects local building traditions.

Question 19

Not sure – it is not clear that giving design greater emphasis in Homes England’s strategic objectives or further embedding national leadership will really help deliver well designed developments that reflect local building traditions and settlement forms.

Question 20

No - Proposals which comply with pre-established principles of what good design looks like (even if informed by community preferences), should not be given fast track approval. Nor is it desirable to widen and change the nature of permitted development, so that certain types and styles of development can be approved easily and quickly, helping to support 'gentle intensification' of our towns and cities. Such exceptions will cause confusion and are unlikely to promote sustainable developments. It will be much clearer, more effective and equitable if all proposals go through the same planning process.

Question 21

Enhanced conservation, appreciation and understanding of the historic environment, which besides being necessary in its own right, will help create a clear sense of place and belonging.

Nigel Brown, BA, MCIfA, FSA, FSA Scot, President of the Essex Society for Archaeology and History 14, The Chase, Boreham, Chelmsford, Essex, CM3 3DY