

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: “Archaeology clearly needs to be considered” (Committee Report p.204)