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Dear Mr Palmer,

The 2018-19 Local Government Finance Settlement: Technical Consultation Paper¹

Thank you for the opportunity to comment on this technical consultation paper and the proposals within it. This response is submitted on behalf of the Chartered Institute for Archaeologists (CifA) a professional body representing archaeologists working across the UK and overseas, the Council for British Archaeology (CBA) representing the public voice for archaeology, and the Federation of Archaeological Managers and Employers (FAME) the trade association for commercial archaeological organisations. Details of these bodies are provided in a separate appendix.

New Homes Bonus

General

The major issue with which CifA, CBA and FAME are concerned in the consultation paper is the New Homes Bonus. CifA responded to the previous consultation on the New Homes Bonus by letter dated 9 March 2016 raising concerns that the Bonus may provide a *'disincentive for authorities to pursue high quality decision-making which ensures sustainable development'*. The further proposals contained in the current consultation, if anything, increase those concerns.

Specific Questions

Question 2: Do you agree with the New Homes Bonus allocation mechanism set out above?

2.1 No.

2.2 While there may be some justification for linking the payment of the New Homes Bonus to the quality of decision-making by planning authorities, the proposed allocation mechanism provides an imperfect measure of the quality of decision-

making. Reducing the Bonus payable by a percentage representing the ratio of successful appeals as against the total number of appeals

- takes no account of the quality of decisions to permit development (often in the face of strong environmental objections)
- does nothing to reward those authorities whose refusal of permission for unsustainable development have been upheld on appeal
- ignores the fact that planning authorities can act reasonably in refusing permission for development, notwithstanding the fact that permission might subsequently be granted on appeal.

2.3 Appeals against the refusal of permission can be allowed when changes to the proposed scheme or additional safeguards or mitigation address legitimate objections, but the latter point is not confined to these cases. Decision-making in this context is a balancing exercise and there is a legitimate range of reasonable responses to any given application. The fact that a refusal of permission by a planning authority is not upheld on appeal does not, of itself, signify that the authority has acted unreasonably. The grounds for refusal often remain legitimate objections, but the Inspectorate or the Secretary of State has simply attached differing weight to some or all of the material considerations. If the planning authority has acted unreasonably, there has always been (and remains) the sanction of a costs award. Indeed, a more realistic approach might be to link the reduction of the Bonus to those cases where a full award of costs has been made against the planning authority.

2.4 Delivering further housing and economic development is an important goal, but we remain concerned that these proposals will result in undue pressure being exerted upon authorities to permit development regardless of reasonable environmental objections (including those relating to the historic environment), ultimately producing unsustainable development. An alternative approach, as outlined above, would serve to promote both development and environmental protection.

Question 5: Are there alternative mechanisms that could be employed to reflect the quality of decision making on planning applications which should be put in place?

5.1 See above and the previous response (a copy of which is attached for ease of reference).

Question 6: Which of the two mechanisms referenced above do you think would be more effective at ensuring the Bonus was focussed on those developments that the local authority has approved?

6.1 For the reasons set out above, we do not think that the Bonus should focus solely on those developments that the local authority has approved. Both mechanisms fail adequately to reflect the need for local authorities to promote sustainable development.

We would be happy further to discuss the issues raised in this consultation insofar as they affect the historic environment. In the meantime, if there is anything further that we can do to assist please do not hesitate to contact us.

Yours sincerely,

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¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf

APPENDIX

The Council for British Archaeology (CBA)

CBA is the national amenity society concerned with protection of the archaeological interest in heritage assets. CBA has a membership of 620 heritage organisations who, together with our thousands of members, represent national and local bodies encompassing state, local government, professional, academic, museum and voluntary sectors.

The Chartered Institute for Archaeologists

The Chartered Institute for Archaeologists (CIfA) is the leading professional body representing archaeologists working in the UK and overseas. CIfA promotes high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provides a self-regulatory quality assurance framework for the sector and those it serves.

CIfA has over 3,500 members and more than 80 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

Federation of Archaeological Managers and Employers (FAME)

FAME is the trade association for archaeological employers and managers. FAME represents one in three archaeological practitioners, employing the majority of archaeologists across the UK. Its membership includes over 50 archaeological practices, from small consultancies to all the largest contractors, from commercial companies, universities and local authorities across England, Scotland and Wales. In addition to representing its members' interests in matters of policy, its aims are to foster an understanding of archaeology across the construction and development sector and promote best professional practice, training and development, and a safe and healthy work environment.