

Developments of National Significance Consultation
Decisions Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff CF10 3NQ

planconsultations-g@wales.gsi.gov.uk

12 August 2015

Dear Mr. Thomas,

Consultation on Developments of National Significance¹

Thank you for the opportunity to comment on these detailed proposals.

The Chartered Institute for Archaeologists

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

CIfA has over 3,250 members and more than 70 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.

CIfA's Wales / Cymru Group has over 300 members practising in the public, private and voluntary sector in Wales.

Developments of National Significance

General

CIfA supports Welsh Government in its objective to ensure that development and use of land contributes towards sustainable development by improving the economic, social, environmental and cultural well-being of Wales.

The Institute also endorses the aim to ensure that planning applications are determined in a proportionate way, dependent on their likely benefits and impacts, provided always that such an approach takes full account of the impacts of development upon the historic environment and the contribution which the historic environment makes to sustainable development.

CIfA responded to the Positive Planning consultation by letter dated 25 February 2014 and to the consultation on Frontloading the Development Management System by letter dated 15 January 2015. Copies of those responses accompany this letter for ease of reference.

Specific Questions

Q1: Do you agree with the proposed thresholds and categories of development set out in Annex A? If not, why not?

1.1 No comment (see original comments in response to questions 7 to 9 of CIfA's response to the Positive Planning consultation).

Q2: Do you agree with this proposed approach for determining secondary consents? If not, why not?

2.1 Yes, provided that applications for listed building and scheduled ancient monument consent, when dealt with as secondary consents, are assessed as rigorously and with as much third party consultation as a stand-alone application.

Q3: Do you agree that the Inspector may determine the procedure for secondary consents? If not, why not?

3.1 Yes, provided that, in relation to applications for listed building and scheduled ancient monument consent, the Inspector has access to sufficient expertise with regard to the historic environment to enable him or her properly to assess the appropriate procedure for determining such applications.

Q4: Do you agree with the proposed list of secondary consents in Annex B? If not, why not?

4.1 Yes, provided that, in relation to applications for listed building and scheduled monument consent,

- the Planning Inspectorate, in carrying out its functions, has, or has access to expertise in relation to the historic environment
- such applications are assessed as rigorously and with as much third party consultation as a stand-alone application.

Q5: Do you agree with the minimum requirements for the notification of a DNS? If not, why not?

5.1 Yes.

Q6: Is 12 months from the date of acceptance of the notification to the submission of the application for DNS a sufficient period in which the notification of a DNS remains valid? If not, why not?

6.1 Yes.

Q7: Do you agree with the publicity and consultation requirements that developers must undertake prior to the submission of an application for DNS? If not, why not?

7.1 Yes. ClfA recognises the importance of early and effective engagement with communities and with statutory consultees. Consultation and engagement is, however, also needed with other stakeholders with expertise in the historic environment.

Q8: Do you agree with our proposals for the advertisement of an application for DNS? If not, why not?

8.1 No comment.

Q9: Do you agree with our proposals regarding statements of common ground? If not, why not?

9.1 Yes, insofar as it is accepted that an obligation to produce Statements of common ground within a given timescale *'can place pressure on LPAs [and] statutory consultees'* (paragraph 5.18 of the consultation document) and should not be allowed to pressurise such parties to remove issues from consideration without adequate analysis. Nonetheless, as indicated in previous responses, ClfA remains supportive of the judicious use of Statements of common ground as a means of concentrating attention and resources upon the consideration of live issues. ClfA would be happy to contribute (in relation to the historic environment) to the production of guidance which addresses Statements of common ground (see paragraph 5.20 of the consultation document).

9.2 Another means of clarifying the minds of the parties at an early stage in the process is the requirement to submit a 'section 106 statement' (paragraph 5.11 of the consultation document). ClfA not only supports this proposed requirement but would extend it to include a requirement to submit draft conditions.

9.3 The imposition of archaeological conditions upon planning permissions is a key mechanism to secure public benefit in relation to the historic environment. Welsh Ministers and the Planning Inspectorate should work closely with local planning authorities and the Welsh Archaeological Trusts to ensure that

- conditions are formulated clearly, recognising the nature of archaeological evidence and the multi-staged nature of most programmes of archaeological work (including post-excavation analysis, archiving and dissemination)
- conditions are effective to secure the carrying out of all stages of necessary archaeological work.

See further in this regard the Institute's response to Welsh Government's consultation on The Use of Planning Conditions for Development Management submitted on 24 April 2014.

Q10: Do you consider that 5 weeks is an appropriate period within which statutory consultees and third parties must submit their full representations in response to an application for DNS? If not, please specify an alternative timeframe?

10.1 This may generally be an appropriate timeframe. However, some cases may require further time to provide a meaningful and constructive response and there should be flexibility to allow for this.

Q11: Do you agree with our proposals for the amendment of schemes for DNS? If not, why not?

11.1 Yes.

Q12: Do you agree that 10 working days following the closure of the representation period is an appropriate time in which the Planning Inspectorate must determine the appropriate procedure to examine an application for DNS? If not, please specify an alternative timeframe.

12.1 Yes, provided that such a timeframe allows the Planning Inspectorate sufficient time, where necessary, to consult appropriate experts as to issues arising in relation to the historic environment and how they might best be resolved.

Q13: Do you agree that further representations required as part of the examination of an application for DNS should be subject to a word limit of 3,000 words per topic? If not, why not?

13.1 Only if there is a discretion to allow that limit to be exceeded in the (hopefully rare) instances where this is necessary.

Q14: Do you agree that the applicant is only required to submit paper copies of applications for DNS to the Planning Inspectorate and LPA(s) within which the DNS is located? If not, why not?

14.1 Yes, provided that all material is available online.

Q15: Do you agree with the minimum requirements for Local Impact Reports? If not, why not?

15.1 Yes, save that the Local Impact Report should also include (as a minimum) details of entries on the appropriate Historic Environment Record (or Records).

Q16: Would you consider 5 weeks an appropriate timescale within which to provide a local impact report? If not, please suggest appropriate timescales.

16.1 This may generally be an appropriate timescale. However, some cases may require further time fully to address the issues and there should be flexibility to allow for this.

Q17: Do you agree that the DNS fee structure should consist of fixed and daily or hourly rate fees that recover the Welsh Ministers' (and the appointed person, the Planning Inspectorate) costs in carrying out the work? If not, why not?

17.1 Yes.

Q18: Do you agree that the relevant LPA should receive a fixed fee for producing a Local Impact Report? If not, why not?

18.1 No. The Local Planning Authority should receive fee that fully reflects the time and resources required in each case to produce the report.

Q19: Do you agree that the LPA should receive a reduced payment, or no payment, if they do not submit the Local Impact Report within the timescale and minimum requirements? If not, why not?

19.1 No. Local Planning Authorities and the Welsh Archaeological Trusts that advise them are under continuing financial pressure. If it is a lack of resource which leads to the Local Planning Authority's failure to submit a Local Impact Report on time, this would be compounded by penalising the authority financially.

Q20: Do you agree that the applicant should not receive a full refund if their application is invalid? If not, why not?

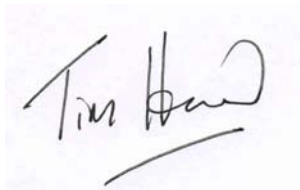
20.1 Yes.

Q21: Do you have any further comments to make in relation to our proposals for DNS?

21.1 No.

If there is anything further that I can do to assist please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tim Howard', with a horizontal line underneath.

Tim Howard LLB, Dip Prof Arch
Senior Policy Advisor, Chartered Institute for Archaeologists

¹<http://gov.wales/consultations/planning/developments-of-national-significance/?lang=en>