

Consultation on proposed amendments to secondary legislation covering:
Statutory Consultees / DAS / HMOs
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff CF10 3NQ

26 October 2015

Dear Sir / Madam,

Consultation on proposed amendments to secondary legislation for development management covering:

- **Statutory Consultees**
- **Design and Access Statements**
- **Houses in Multiple Occupation¹**

Thank you for the opportunity to comment on this consultation paper.

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 3,350 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.

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

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General

ClfA supports Welsh Government in its aim to produce a streamlined and fit-for-purpose planning system for Wales. In responding to development management proposals relating to statutory consultees and Design and Access Statements (DASs) the Institute is concerned to see that the impact of development upon the historic environment is appropriately addressed in the consideration of all planning and related applications.

Specific Questions

Question 1: Do you agree with the proposal to amend paragraph (i)?

1.1 No comment.

Question 2: Do you agree with the proposal to amend paragraph (k)?

2.1 Yes, subject to the caveat in paragraph 2.2 below.

2.2 ClfA welcomes the clarification of the trigger for consultation and the implicit recognition of the need to consider impacts upon the setting, as well as the fabric, of historic assets. However, the introduction of specific criteria in paragraph (k)(ii) might in some cases exclude development which affects the setting of a scheduled monument.

Question 3: Do you agree with the proposal to amend paragraph (r)?

3.1 No comment.

Question 4: Do you agree with the proposed changes as set out in Table 4:

(a) To remove paragraph (n)?

(b) To remove paragraph (u)?

(c) To add paragraph (y) to NRW's statutory consultation requirements?

4.1 No comment.

Question 5: Do you agree with the proposed new consultation thresholds for WASU identified in Table 5 above?

5.1 No comment.

Question 6: Are there any other thresholds that should be included in/or excluded from Schedule 4 of the DMPWO? If so, please identify these and explain why they should be included or excluded.

6.1 No comment.

Question 7: Do you think that major development as described under c, d and e of 16 paragraph 3.19 and the DMPWO is the right threshold for requiring a Design and Access Statement? If not, what would be an appropriate threshold?

7.1 Yes, subject to the caveats below about the effectiveness of DASs in relation to the historic environment.

7.2 The overriding concern of ClfA in relation to DASs and other information requirements in the planning regime is to ensure that the impact of development on the historic environment, generally, and historic assets, specifically, is in all cases appropriately addressed before permission (or a related consent) is granted.

7.3 Although DASs currently require consideration, for instance, of environmental sustainability and character, we are concerned that DASs do not in practice adequately address the impact of development on

historic assets. Even in relation to applications for listed building consent, where architectural and historic importance are specifically required to be addressed, archaeological importance may be overlooked.

7.4 Heritage Impact Assessments (HIAs) might be one answer to this concern, provided that they encompass appropriate consideration of the impact of development upon archaeological interests. These should be linked, for example, expressly to archaeological desk-based assessments for which there are defined standards and clear guidance (see http://www.archaeologists.net/sites/default/files/CIfAS&GDBA_2.pdf).

7.5 However, HIAs, as currently envisaged, would not necessarily encompass effects on undesignated historic assets. It is appreciated that information requirements (and particularly those required by statute) have to be proportionate, but the Institute remains concerned to see that there is clear provision (whether in statute or in policy) to ensure that all material impacts upon the historic environment are addressed in the consideration of applications for planning permission and related consents.

Question 8: Do you agree with our proposals to have different thresholds in Conservation Areas and World Heritage Sites? If not, to what other sensitive areas, if any, should a smaller threshold apply?

8.1 Yes, but see the concerns about DASs in respect of listed building consent applications at paragraph 7.3 above.

Question 9: Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?

9.1 No comment.

Question 10: Do you agree with the proposal to incorporate the requirement for a statement on design within an HIA when preparing an application for listed building, scheduled monument or conservation area consent?

10.1 Yes. See the comments on HIAs at paragraphs 7.4 and 7.5 above.

Question 11: What do you consider should be the circumstances in which an HIA would also need to be accompanied by a statement on access?

11.1 Proposals which will involve altering the access to the site or are likely to involve or generate increased or materially different use of any existing access.

Question 12: Do you agree with our proposals to simplify the statutory content of Design and Access Statements?

12.1 Yes, save that ClfA would like to see specific provision made for DASs to address the impact of development upon historic assets (including, where appropriate, reference to archaeological desk-based assessment in accordance with ClfA Standards and guidance (see http://www.archaeologists.net/sites/default/files/ClfAS&GDBA_2.pdf).

Question 13: Do you agree that a new use class C4, whereby planning permission will be required for HMOs with fewer than seven residents, should be introduced?

13.1 No comment.

Question 14: Do you agree with our proposal to align the definition of an HMO for planning purposes with the housing definition set out in section 254 of the Housing Act 2004?

14.1 No comment.

Question 15: Do you agree with our proposal to enable small Houses in Multiple Occupation (new use class C4) to revert to use as a dwellinghouse (Class C3) without requiring planning permission by amending the Town and Country Planning (General Permitted Development) Order 1995?

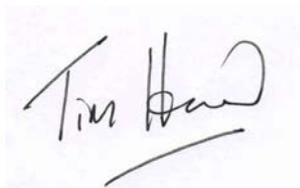
15.1 No comment.

Question 16: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

16.1 No comment.

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

Yours faithfully,

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

¹ <http://gov.wales/docs/desh/consultation/150803-further-secondary-legislation-for-development-management-en.pdf>