

Andy Swyer
Department for Communities and Local Government Committee
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2 Marsham Street
London
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mobileplanningreview@communities.gsi.gov.uk

20 August 2015

Dear Mr Swyer,

Review of How the Planning System in England Can Support the Delivery of Mobile Connectivity

Thank you for the opportunity to provide evidence to this review. Written evidence is attached.

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.

Yours sincerely,



Peter Hinton BA MifA FRSA FSA FIAM FSA Scot
Chief Executive

Review of How the Planning System in England Can Support the Delivery of Mobile Connectivity

Evidence of the Chartered Institute for Archaeologists (Cifa)

Executive Summary

1. Cifa continues to support reform of the planning system to facilitate the timely delivery of sustainable development in relation to mobile connectivity as in other areas. However, the Institute is concerned to see that the extension of permitted development rights to support mobile connectivity is accompanied by appropriate safeguards for the historic environment, both to prevent unsustainable development and to ensure that sustainable development proceeds with appropriate mitigation and/or compensation to avoid or offset harm to heritage assets.

Cifa

2. 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.

How the Planning System in England Can Support the Delivery of Mobile Connectivity

General

3.1 The Institute recognises the importance of improving the country's communications infrastructure in order to grow the economy and compete on a global scale. Cifa supports Government's initiatives to this end, provided that there are adequate safeguards to protect the historic environment. The historic environment can be vulnerable to relatively small changes, both individually and cumulatively. Such changes can involve actual disturbance of the fabric of heritage assets, but they can also impact upon heritage assets less directly (for instance, through an effect upon the setting of such assets).

3.2 In many cases where permitted development rights are exercised, there is no significant effect upon the historic environment. Moreover, where designated heritage assets (such as listed buildings and scheduled monuments) are directly involved, there are often other mechanisms to ensure that the impact upon those assets is properly addressed (for instance, through the exclusion of permitted development rights and/or the continuing need for listed building or scheduled monument consent). However, where development is carried out in the vicinity of such assets, but on undesignated sites, there is no requirement for listed building or scheduled monument consent, notwithstanding the fact that such development can have a highly significant impact upon the setting of those assets. This concern is not wholly allayed by the provisions of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003.

3.3 Furthermore, where undesignated heritage assets are involved, there is little or no protection when permitted development rights are exercised. In such cases, unsustainable development can proceed which harms nationally-important but undesignated heritage assets (of which there are many). Even where development is unobjectionable in principle, there can be harm to the significance of heritage assets if development proceeds without adequate safeguards for the historic environment. These safeguards (such as the appropriate assessment and evaluation of heritage assets and the subsequent recording of heritage assets affected by development) are usually secured in the course of the consideration of a planning application (either through a requirement for desk-based assessment or field evaluation prior to determination of an application or through the operation of planning conditions or obligations imposed or undertaken when the planning application is determined).

3.4 That is not to say that permitted development rights should not be extended to facilitate the delivery of mobile connectivity. We would like to see permitted development rights continue to be excluded in 'protected areas' and extend the definition of 'protected areas' to include sites of archaeological interest as defined in article 2(1) of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). However, in other cases development could proceed under permitted development rights provided that there are sufficient safeguards for the historic environment (including the ability to prevent unsustainable development and in other cases to mitigate or compensate for the impacts of development on the historic environment) in the GPDO and/or the Code and its Regulations.

Specific Questions

What benefits would any new permitted right with a prior approval provide over a planning application, and what data supports this view?

4.1 A new permitted right with a prior approval might streamline the process and facilitate the timely delivery of sustainable delivery, but only if the prior approval process (or a similar, prior notification process) were flexible enough to prevent development which is objectionable in principle by virtue of its effect on the historic environment and in other cases affecting the historic environment secure appropriate mitigation and/or compensation.

How would any new rights balance the benefits of connectivity with the value placed on protecting streetscape and landscape?

4.2 In terms of protecting the historic environment, any new rights would best be balanced by ensuring that there were adequate safeguards for heritage assets in the GPDO and/or the Code and its Regulations. For instance, a prior notification requirement allowing a local planning authority to call for a full application in cases where there was likely to be a significant impact upon the historic environment would enable an authority to call for and refuse an application which unacceptably impacted upon the historic environment. (This would exceed the current notification requirements in the Electronic Communications Code (Conditions and Restrictions) Regulations 2003.) In other cases, safeguards should ensure that appropriate mitigation and/or compensation is provided to avoid and/or offset harm to heritage assets.

Are there particular restrictions or conditions, which ought to apply if masts were to be given permitted development rights in protected areas e.g. restrict masts to near existing infrastructure (roads, railways, factories etc.) or should they be placed anywhere?

4.3 We would prefer to see the exclusion of such permitted development rights in protected areas, but if masts are to be given such rights in those areas, there should be appropriate safeguards for the historic environment as discussed above.



Peter Hinton BA MIFA FRSA FSA FIAM FSA Scot
Chief Executive, ClfA