



Planning Bill Team
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

25 February 2014

Dear Sir / Madam,

Positive Planning: Proposals to reform the planning system in Wales (WG20088)

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

The Institute for Archaeologists

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

The IfA has over 3,000 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. IfA's Wales / Cymru Group has over 300 members, many of whom practise in the public, private and voluntary sector in Wales.

Positive Planning: Proposals to reform the planning system in Wales

General

IfA welcomes Welsh Government's aims to reposition the planning system in Wales '*as a tool to manage change in the public interest*', to clarify and streamline the system and to enable '*appropriate development*'. Such development must be sustainable, giving equal weight to social, economic and environmental considerations (including the historic environment).

Indeed, the planning system plays a key role in the management and protection of the historic environment (which includes archaeological remains both above and below ground). That role is not confined simply to designated assets. Over 90% of the historic environment is undesignated (i.e. not specifically protected by listing, scheduling or some other statutory designation) and is, for the most part, solely protected as a 'material consideration' in the planning process.

Consequently, IfA welcomes the acknowledgement by the Minister of Housing and Regeneration of the need to integrate these proposals with the proposals in other nascent Bills including the Heritage Bill. Some measures (such as the suggested duty on local planning authorities to maintain or have access to a Historic Environment Record (HER) supported by appropriate expertise – a suggestion which IfA fully endorses) could appear in planning or heritage legislation and the important thing is for the Bills to be coordinated.

Although IfA supports many of the proposals in the consultation paper, they will, however, not be sufficient to improve the management and protection of the historic environment if sufficient

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resources are not made available to the Welsh Archaeological Trusts and local authority conservation services fully to engage in the planning process.

Specific Questions

Q1. Do you agree that the proposed remit for a Planning Advisory and Improvement Service will help LPAs and stakeholders to improve performance?

1.1 Yes, provided that that remit includes the historic environment. The Service, itself, should have, or have access to, historic environment expertise.

1.2 The Service should help planners and members to improve their knowledge and understanding of the historic environment and its significance in the planning system. However, 'planners' are not the only practitioners involved in the planning process. The Service should help and encourage historic environment practitioners (who play a key role in the management of the historic environment) to enhance their skills and knowledge.

1.3 IfA fully endorses the statements at paragraph 3.14 of the consultation document that

'...professional bodies need to fully recognise and support the planning reform agenda in Wales through education courses and opportunities through continuing professional development focused on the Welsh planning system. Individuals need to keep their skills up to date and adopt a positive attitude towards change.'

1.4 The Institute welcomes the opportunity to work with Welsh Government and other stakeholders further to develop its own CPD and training mechanisms (see <http://www.archaeologists.net/profdevelopment>) in this regard, and to provide or facilitate training for others. Those not directly involved in the heritage sector may not need to attain levels of skill and knowledge required for a historic environment practitioner, but still need to have a basic knowledge and understanding of the historic environment and its significance in the planning system. Basic training of planners and members, however, does not remove the need for archaeological and wider historic environment expertise in the assessment of planning proposals.

Q2. Do you agree that existing Welsh Government support arrangements for the built environment sector in Wales should be reviewed?

2.1 Yes. This should include support arrangements for the historic built environment sector.

Q3. Do you agree that competency frameworks should be prepared for planning practitioners and elected representatives to describe the skills, knowledge and behaviours necessary to deliver planning reform?

3.1 Yes. The frameworks for planning practitioners and elected representatives should include some knowledge and understanding of the historic environment and its significance in the planning system, but the frameworks should also embrace historic environment practitioners involved in the planning process. Archaeological and wider historic environment skills and knowledge are crucial for the management and protection of the historic environment and the operation of the wider planning system.

3.2 The accreditation of archaeological skills and knowledge through membership of IfA at professional grades should be recognised in competency frameworks.

Q4. Do you agree that the NDF will provide a robust framework for setting national priorities and aid delivery?

4.1 Yes, provided that it evenly balances social, economic and environmental considerations and allows meaningful, detailed assessment of environmental considerations at a later stage.

Q5. Do you agree that Planning Policy Wales and Minerals Planning Policy Wales should be integrated to form a single document?

5.1 Yes, provided that such integration does not lead to any reduction in the level of protection for the historic environment and that sufficient guidance is available in supporting documents.

Q6. Do you agree that a core set of development management policies should be prepared for consistent application by all local planning authorities?

6.1 Yes, provided there is sufficient flexibility in specific cases to depart from those policies, if justified.

Q7. Do you agree that the proposed development hierarchy will help to ensure that planning applications are dealt with in a proportionate way dependent on their likely benefits and impacts?

7.1 IfA supports the principle of dealing with planning applications '*in a proportionate way dependent on their likely benefits and impacts*' (paragraph 4.36 of the consultation document). However, relatively small-scale development can have disproportionate, adverse effects on the historic environment and particularly on buried archaeological remains. Even if development constitutes 'local development' within the proposed hierarchy (in accordance with the thresholds in Annex B of the consultation document) there may still be instances where there is a significant impact upon the historic environment. Local planning authorities must not be constrained by policy or statute from requiring sufficient information and undertaking appropriate assessment adequately to assess the nature and extent of that impact.

Q8. Do you agree with the proposed categories and thresholds for Developments of National Significance set out in Annex B?

8.1 Yes.

Q9. Do you agree with the proposed categories and thresholds for Major Developments of set out in Annex B?

9.1 See paragraph 7(1) above.

Q10. Do you agree DNS applications should be subject to mandatory preapplication notification, and consultation?

10.1 Yes. Pre-application engagement is a key means to ensure that the historic environment is respected in the formulation of development proposals.

Q11. Do you agree that a fee should be charged for pre-application advice for prospective DNS applications?

11.1 Yes. Such fees (or part of them) should be used to support the expertise required to provide that advice (for instance, to support the work of Cadw and others with regard to the historic environment).

Q12. Do you agree that the Planning Inspectorate Wales is the most appropriate body to undertake the processing of a DNS application?

12.1 Yes. Nevertheless, it is important that the Planning Inspectorate Wales, in carrying out its functions, has, or has access to, expertise in relation to the historic environment.

Q13. Do you agree that only one round of amendments to an application for DNS should be permitted after it has been formally registered?

13.1 No comment.

Q14. Do you agree with the proposals for handling connected consents?

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

Q15. Do you agree that examination should follow a similar procedure to that proposed for call-ins and appeals?

15.1 Yes.

Q16 Do you agree with the proposed division of responsibilities between the Welsh Ministers and the local planning authority at the post-determination stage?

16.1 Yes. The involvement of local planning authorities (advised as regards the historic environment by the Welsh Archaeological Trusts and local authority conservation staff) is of particular importance in respect of the variation, removal and discharge of conditions and enforcement.

16.2 The imposition of archaeological conditions upon planning permissions is a key mechanism to secure public benefit in relation to the historic environment and their early discharge can undermine important archaeological work. Welsh Ministers and the Planning Inspectorate Wales 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.

16.3 IfA will be submitting a response to Welsh Government's current consultation on The Use of Planning Conditions for Development Management

Q17. Do you agree that the statement of case and draft statement of common ground should be produced when submitting an appeal?

17.1 Yes.

Q18. Do you agree that the Planning Inspectorate should decide how to handle the examination of an appeal?

18.1 Yes, provided that the Planning Inspectorate has access to appropriate expertise when deciding how to handle appeals involving issues affecting the historic environment.

Q19. Do you agree no changes should be made to the content of an application once an appeal has been submitted?

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19.1 Yes.

Q20. Do you agree with the proposal for the Welsh Ministers to initiate awards of costs?

20.1 No comment.

Q21. Should fees be introduced to cover the costs of the Welsh Ministers associated with an appeal?

21.1 No comment.

Q22. Do you agree that a Commercial Appeals Service (CAS) should be introduced?

22.1 No comment.

Q23. Do you agree that local planning authorities should be merged to create larger units?

23.1 IfA would not oppose their merger provided that such mergers would not lead to any further reduction in the overall resources available to local authority conservation services and the Welsh Archaeological Trusts (both of which are already hard-pressed in terms of funding).

Q24. Do you think that a National Park Authority should continue to have responsibility for planning in its area?

24.1 Yes, provided that they have access to appropriate expertise on the historic environment.

Q25. Do you agree that strategic development plans should only be prepared in certain areas?

25.1 No comment.

Q26. Do you agree that the scope of SDPs should be limited to the key issues identified in paragraph 5.29?

26.1 SDPs should specifically include strategic policies and priorities for the historic environment.

Q27. Do you agree that a partnership between local planning authorities and social, economic and environmental stakeholders should oversee preparation of SDPs?

27.1 Yes. This should include stakeholders in relation to the historic environment.

Q28. Do you agree that a light touch LDP focussing on matters of local significance should be prepared in areas where there is a SDP?

28.1 No. LDPs should be sufficiently comprehensive and rigorous to ensure that all material considerations (including those relating to the historic environment) are addressed in the development management process.

Q29. Do you agree with the essential elements of a good planning service identified in Annex A?

29.1 The performance indicators should include indicators relating to the historic environment, such as the number of local authorities having access to an up-to-date HER supported by appropriate

expertise (if that does not become a statutory duty) and the percentage of archaeological conditions which are fully complied with.

Q30. Do you agree that each LPA should produce and publish an annual performance report to agreed standards?

30.1 Yes.

Q31. Do you agree that where a LPA is designated as poorly performing there should be an option to submit planning applications for major development to Welsh Ministers?

31.1 Yes. However, if problems arise largely or wholly due to lack of resource on the part of local planning authorities, IfA would be concerned to see that such problems were not compounded by a further loss of fees.

Q32. Do you agree that Welsh Ministers should be able to direct preparation of a joint LDP?

32.1 Yes.

Q33. Do you agree that LDPs should plan for at least 15 years ahead and have a set end date beyond which they cease to be the development plan?

33.1 LDPs should plan for at least 15 years ahead, but the proposal that they cease to be the development plan after a set date may lead to a policy vacuum and reduce protection for the historic environment if development plan policies lose their status as such with nothing to replace them.

Q34. Do you agree that LPAs should work with town and community councils to produce place plans which can be adopted as supplementary planning guidance?

34.1 Yes.

Q35. Do you agree that where a development proposal accords with an allocation in an adopted development plan a new planning application process should be introduced, to ensure that only matters of detail such as design and layout are considered?

35.1 No. Even when sites are allocated in development plans, significant issues can remain as regards the impact of development upon the historic environment. These issues need to be fully addressed at the application stage.

Q36. Do you support the proposal to allow a right of appeal against an LPA not registering a planning application?

36.1 Yes.

Q37. Should the requirement for mandatory design and access statements be removed?

37.1 Before any such decision is taken, the content of Design and Access Statements should be reviewed insofar as it relates to the historic environment.

Q38 Should the requirement to advertise planning applications for certain developments in a local newspaper be removed?

38.1 Only if suitable alternative means of communication are available.

Q39. Should there be any local variation within a national scheme of delegation for decision making on applications?

39.1 No comment.

Q40. Do you agree that a minor material change should be restricted to "one whose scale and nature results in a development which is not substantially different from that which has been approved"?

40.1 No. It should be restricted to "*one whose scale and nature results in a development which is not substantially different from that which has been approved and has no significant, additional impact*" (my underlining). (See the comments at paragraph 7.1 as to the potentially disproportionate effect on the historic environment of relatively small-scale development or changes.)

Q41. Do you agree that the proposals strike a balance between the need to preserve land used as Town and Village Greens and providing greater certainty for developers?

41. No comment.

Q42. Do you agree that the proposals will reduce delay in the planning enforcement system?

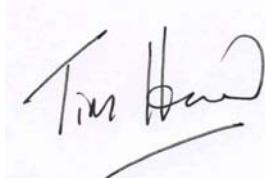
42.1 Yes.

Q43. Do you agree with the introduction of temporary stop notices to the planning enforcement system in Wales?

43.1 Yes.

The Institute would be delighted further to contribute to the formulation of a Planning Bill for Wales. In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours sincerely,



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Policy Advisor

