**Annex C: Questions for organisations, interested parties and others**

**Question 1 Name, role, organisation name, address / contact details**

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Response submitted on behalf of the Chartered Institute for Archaeologists (CIfA), the Council for British Archaeology (CBA) and the Association of Local Government Archaeological Officers for England (ALGAO: England)

**Question 2 Is your response on behalf of an organisation or is it a personal response?**

Organisational √ Personal

**Question 3 What type of organisation / person are you?**

Type of organisation

Professional / representational organisation √

Non Governmental Organisation

National campaigning body

Planning consultant

Voluntary / charity sector

Community / residents group

Member of the public

Other

**Question 4 What type of development are you involved in in rural areas?**

CIfA is a professional body representing archaeologists working across the UK; ALGAO: England represents local government archaeology services in England, and CBA represent the public voice for archaeology.

As representational organisations, none of these bodies is directly involved in development in rural areas, but in each case its members are involved in all aspects of planning and development in rural areas.

**Question 5 What types of permitted development take place under Part 615 (agricultural and forestry) that you are aware of?**

No comment.

**Question 6 Have you been involved in the development of a farm shop, polytunnel or on-farm reservoir?**

Yes No √ [Go to Question 8]

**Question 7 What were you experiences of the planning system in developing a farm shop, polytunnel and / or on-farm reservoir?**

No comment.

**Question 8 Is there other development which would benefit from permitted development rights?**

Yes No √ [Go to Question 10]

**Question 9 Please detail what other development would benefit from permitted development rights.**

Not applicable.

**Question 10 In your view, what planning issues need to be considered for development in rural areas?**

‘The purpose of the planning system is to contribute to the achievement of sustainable development’ (paragraph 6 NPPF) and such development is achieved through the operation of the planning system, not through its dis-application or dilution.

Consequently, the key issue is how best to facilitate sustainable development. That involves ensuring that there is appropriate consideration of, and safeguards for, the historic environment in plan-making and development management. The wholesale extension of permitted development rights undermines such consideration and safeguards. While there may be scope for relaxing planning regulation this can only be done where the impact of development upon the historic environment is identified and appropriately addressed within the process.

Indeed, much of the impetus for deregulation stems from a belief that the planning system is a constraint on development and the requirement for an application for planning permission an often unnecessary clog on the process. This is implicit in the observation at paragraph 16 of the Call for Evidence that ‘[n]ationally, 88% of planning applications are currently granted.’ This overlooks the negotiation that takes place in numerous cases to modify and improve development proposals, and the conditions that may be attached – without both of which a development may not be acceptable. In the absence of requirement for an application such rigour cannot be applied to proposals and bespoke, proportionate requirements cannot be secured to ensure that harm is avoided, reduced or offset.

These concerns are particularly marked in relation to the historic environment and, in particular to heritage assets with archaeological interest. The vast majority of these assets are undesignated and, in the case of buried remains, many are unidentified or unknown, which makes them particularly vulnerable to loss or damage in the absence of appropriate assessment and, where necessary, evaluation (as provided for in paragraph 128 of the National Planning Policy Framework). Such assessment and evaluation is required in the context of an application and would in most cases be by-passed in its absence (for instance, in the exercise of permitted development rights). Similarly, conditions and obligations (which provide a crucial mechanism to ensure that archaeological mitigation and/or compensation is secured where development proceeds) are imposed through the application process and are absent when permitted development rights are exercised. That is not to say that permitted development rights have no part to play, but they can only be utilised where archaeological and other environmental interests are adequately safeguarded.

Viewed in this light the application process is an essential component in facilitating the timely delivery of sustainable development and characterising the system as a constraint on development is wide of the mark.

Furthermore, there needs to be recognition of the contribution which the historic environment makes to rural productivity which needs to be protected and promoted through the planning system. Not only does the historic environment contribute to *‘the excellent quality of life on offer’* attracting *‘net internal migration from urban to rural areas, including of highly skilled people’* (page 4 of *Towards a one nation economy: A 10-point plan for boosting productivity in rural areas*, August 2015); it also makes a huge contribution to the rural economy through tourism (see <https://www.hlf.org.uk/file/10822/download?token=eF0SM3rDWLmBzfZ3ZEVU-TgWSUHHgv4dWCJnjV-GelQ>), regeneration (<https://content.historicengland.org.uk/images-books/publications/heritage-works/heritage-works-2013.pdf/>) and the attraction of businesses.

**Question 11 In your view, are these issues given appropriate consideration in the planning process?**

Yes [Go to Question 13] No √

**Question 12 If not, how can these issues be given appropriate consideration in the planning process?**

In the first instance, policy and guidance should recognise and clearly identify in the specific context of rural development *‘the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring’* (paragraph 126 of the NPPF). The need evenly to balance social, economic and environmental considerations in order to produce truly sustainable development also needs repeated emphasis.

Secondly, proposals to promote development in rural areas by relaxing planning regulation must acknowledge and address the particular vulnerability of the historic environment to such relaxation. This should involve the identification of specific mechanisms to safeguard heritage assets going beyond the conventional response that Article 4 directions can be used to withdraw permitted development rights in specific cases. Such directions have rarely, if ever, been used in an archaeological context and do not comprehensively address the fundamental concerns expressed above.

Practical solutions can be found to allow the use of permitted development rights in appropriate circumstances whilst providing mechanisms to protect the historic environment. Such solutions include

* the more general use of ‘sites of archaeological interest’ as defined in article 2 of the General Permitted Development Order 2015 to exclude sensitive areas from the exercise of such rights. (Use of this mechanism is currently restricted for the most part to mining and related operations in England, but is more widely utilised in Scotland)
* adaptation of Article 5 directions to allow local authorities on notification of an intention to exercise such rights to request a full application for permission to do so where there is potential harm to heritage assets. Article 5 directions currently allow for the restriction of certain relating to minerals development but could be adapted for a more general purpose.

Such mechanisms provide a more proportionate response to further widespread scheduling which, nevertheless, remains an alternative solution, albeit one that will not provide adequate protection for assets not of national importance.

**Question 13 Please detail any local planning authority best practice which you would like to highlight.**

[Suggestions would be welcome, particularly if ALGAO: England is to be one of the respondents]

**Use of agricultural buildings for residential purposes**

**Question 14 Are the current thresholds and conditions allowing change of use from agricultural to residential appropriate?**

Yes No √

**Question 15 What improvements could be made to the existing permitted development right allowing change of use from agricultural to residential?**

CBA and CIfA are members of The Heritage Alliance and endorse its response to this Call for Evidence, generally, and in particular, with regard to the concerns expressed in response to this question with regard to change of use.

Operational development permitted by or ancillary to such rights is also of particular concern to CBA, CIfA and ALGAO: England since even minor ground disturbance can have a disproportionate effect on heritage assets such as buried remains.

**Other comments**

**Question 16 Please let us know if you have any other comments on planning in rural areas.**

No comment.