



TAN 24 Consultation
Planning Policy Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

planconsultations-b@wales.gsi.gov.uk

29 September, 2016

Consultation on Technical Advice Note 24: The Historic Environment¹

Dear Mr Lloyd,

Thank you for the opportunity to contribute to the consultation on Technical Advice Note 24: The Historic Environment.

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 3,300 members and around 80 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.

Technical Advice Note 24: The Historic Environment

General comments

CIfA welcomes the publication of draft TAN 24 providing focused and up-to-date advice relating to the historic environment. In particular, we welcome Welsh Government's effort to produce advice which:

- is clear and concise
- is rooted in a significance-based approach to the sustainable management and protection of the historic environment in line with *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* (2011) (Conservation Principles)
- endorses CIfA Standards and guidance
- identifies the value of, and need for, appropriate expertise in the management and protection of the historic environment
- recognises that the historic environment includes both designated and undesignated historic assets and
- recognises the value of assets with archaeological interest and the importance of identifying and considering them in plan-making and development management.

The Institute has a number of detailed concerns which potentially (and in some cases actually) undermine the above benefits. Such concerns (which are elaborated in answer to the specific questions addressed below) do not alter CIfA's support for the production of an up-to-date, fit-for-purpose Advice Note, but need to be addressed. They include:

- a tendency too rigidly to differentiate between 'archaeology' (seen primarily as buried remains) and 'buildings', failing to recognise the range of interests (including archaeological interest) possessed by many historic assets, be they buildings, upstanding structures, buried remains or other features
- insufficient explanation of the importance of the planning regime for undesignated assets (which constitute over 95% of the historic environment and for most of which the planning system provides the only effective protection)
- a failure to make clear that all historic assets, by definition, warrant consideration in the planning process (not just those which, for instance, have 'special' interest or 'particular significance')
- a lack of clarity as to what expertise is appropriate in any given context.

Specific consultation questions

Question 1: Do you agree that the approach taken achieves a balance between the sustainable management of change and the protection of the historic environment in Wales?

1.1 Agree, save for the following.

1.2 Notwithstanding the reference in paragraph 4.1 of the draft, failure elsewhere to recognise the archaeological interest in a wide range of historic assets (including many buildings) is likely to result in many cases in the archaeological interest of buildings and other assets not readily identifiable as archaeological remains being overlooked or undervalued.

1.3 Similarly, a failure clearly to explain that all historic assets warrant consideration in the planning system leaves many undesignated assets vulnerable to harmful change if their significance is not addressed adequately (or at all).

1.4 This risk is increased by the introduction of additional components in the description of undesignated assets. Thus, for example, although section 8 of the draft TAN appears in the Index as 'Historic Assets of Local Interest', its description in the heading on page 33 is extended to 'Historic Assets of Special Local Interest' [my underling] and the first sentence of paragraph 8.1 refers to assets that the local planning authority 'may consider to be of special local interest' not being accompanied by any additional consent process. This may be read to mean that a historic asset must be considered by the local planning authority to be 'special' before it can be considered in the planning process, which would be an unjustifiable, additional requirement.

1.5 Further matters which are likely to affect this balance are addressed under question 5 in relation to the approach to the management and protection of 'archaeological remains'.

If not, how do you think this can be done?

1.6 The first step is to make clear in the definition of 'historic asset' that it is something which has a degree of significance meriting consideration in planning decisions. The definition of 'Historic asset' in the Glossary on page 52 of the draft should be revised to include this crucial concept.

1.7 Secondly, it would be helpful to refer to assets with archaeological interest (as opposed to archaeological remains) and explain that *'There will be archaeological interest in a [historic] asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point².'* Many buildings and assets other than buried remains have archaeological interest.

1.8 Thirdly, care should be taken to avoid the inadvertent introduction of additional criteria for the identification of historic assets (such as the use of the word 'special' in section 8 of the draft) and fourthly, further explanation in the text of the draft of the importance of the planning system to the management and protection of undesignated historic assets would be helpful.

Question 2: Do you agree that the advice regarding the relationship between nature conservation and the historic environment is clear? If not, how do you think the advice can be improved?

2.1 Agree, although conversely there is also a need, in managing and protecting the natural environment, to consider the implications for the historic environment.

Question 3: Do you agree that the advice to local planning authorities to develop locally distinctive policies and guidance on the historic environment is clear?

3.1 Neither agree nor disagree. The advice in section 2 of the draft is clear but adds little to the provisions of Chapter 6 of Planning Policy Wales as to how to develop locally distinctive policies and guidance on the historic environment, particularly with regard to undesignated assets.

3.2 The only specific reference to undesignated historic assets in this section (i.e. the reference in paragraph 2.4 to specific guidance relating to ‘The preservation of historic assets of special local interest or on a local list’) adds an unjustifiable gloss to the identification of assets of local interest through the use of the word ‘special’ as discussed above.

If not, how can it be improved?

3.3 Specific reference could be made in this section of the draft to the approach to undesignated historic assets in plan-making, with further detail provided in good practice guidance.

3.4 In addition, the word ‘special’ could be removed from the third bullet point of paragraph 2.4 of the draft.

Question 4: Do you agree that the advice on how World Heritage Sites are to be considered in the planning process is clear? If not, how do you think this can be improved?

4.1 Agree.

Question 5: Do you agree that the advice on how archaeological remains are to be considered through the planning process is clear? If not, how do you think the advice can be improved?

5.1 Agree, subject to the following.

5.2 In paragraph 4.4 of the draft, the circumstances in which a desk-based assessment should be sought from an applicant should not be confined to cases where ‘*archaeological remains are known to exist*’ but should include cases where there is potential for them to survive. Although one might additionally require a field evaluation where there is high potential for survival (as suggested in the second sentence), it might be simpler just to say:

‘Where archaeological remains are known to exist or there is potential for them to survive, the local planning authority should ask an applicant to undertake a desk-based archaeological assessment and, where appropriate, an archaeological evaluation.’

5.3 ClfA welcomes the endorsement of ClfA Standards and guidance in this paragraph and elsewhere (for instance, in paragraph 4.10) in the draft and the recognition of the need for

appropriate expertise. However, the phrase ‘qualified and competent expert’ used here and elsewhere does not provide sufficient clarity as to what is required. It would be better if the draft referred to ‘professionally accredited experts’ or, at least, provided a footnote in relation to archaeological work explaining that ‘The Chartered Institute for Archaeologists (CIfA) has a register of accredited organisations for historic environment practice. CIfA requires its members to meet defined levels of competency.’

5.4 It would be helpful to provide a sub-heading for paragraph 4.7 of the draft to make clear that the whole of that paragraph relates to remains that are not of national importance.

5.5 Appropriately worded planning conditions are key to both the delivery of public benefit through archaeological investigation and to the timely delivery of sustainable development. Issues such as the phasing of conditions so as to allow the prompt (but not premature) discharge of obligations are important and would benefit from amplification and further explanation in paragraph 4.10 of the draft.

Question 6: Do you agree that the advice on how particular historic assets, namely ‘historic parks and gardens’ ‘historic landscapes’ and ‘assets of special local interest’, are to be considered through the planning process is clear? If not, how do you think the advice can be improved?

6.1 Disagree. The term ‘assets of special local interest’ is confusing, as explained above (see paragraph 1.4 above). It would be better if this term were not used, but if it is to be used, there needs to be clarification of the criteria for identifying an asset as ‘special’. It should also be made clear that consideration in the planning process does not depend upon the local authority having already identified it or included it in a list. Such lists are not exclusive.

Question 7: If you have any related issues which we have not addressed, please let us know.

Heritage Impact Assessment – paragraph 1.15

7.1 The relationship between heritage impact assessments and archaeological desk-based assessments should be made clear, either in this Advice Note or in the accompanying draft guidance.

Setting – paragraph 1.22 et seq

7.2 CIfA welcomes the reference to impacts upon the setting of ‘other undesignated assets’ at the end of paragraph 1.23. It is important to be clear that impacts upon the settings of both designated and undesignated assets (whether nationally-important or not) are material considerations, although the weight to be attached to such impacts will vary.

Permitted Development Rights – paragraph 4.3 and paragraph 6.4

7.3 We welcome the recognition of the potential harm to historic assets through the exercise of permitted development rights. This is a major issue and deserves further consideration, if not in this Advice Note, then perhaps in separate guidance.

Listed Building Consent – paragraph 5.9

7.4 Where listed building consent is not required, it is of course desirable to obtain the written agreement of the local planning authority before carrying out any such works, but is it strictly necessary as suggested in this paragraph?

Glossary – Annex D

7.5 In addition to the major concern about the definition of a ‘historic asset’ the following should be noted.

7.6 The definition of ‘*Archaeologically sensitive areas*’ might be expanded to recognise that sensitivity is not solely dependent on the presence of other archaeological sites in the vicinity.

7.7 The reference to curators outside Wales in the definition of ‘*Curator*’ appears to be largely (if not wholly) superfluous in the context of Wales.

7.8 The reference to ‘*IFA*’ in brackets should be a reference to ‘*CIfA*’.

Contacts and sources of further information – Annex E

7.9 ‘*The Chartered Institute of Field Archaeologists*’ on page 55 should read ‘*The Chartered Institute for Archaeologists*’!

The Institute looks forward to continuing to work with Welsh Government and other stakeholders in the implementation of the Historic Environment (Wales) Act 2016 and the production of supporting regulation, policy and advice. In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours sincerely,



Peter Hinton BA MCIfA FRSA FSA FIAM FSA Scot
Chief Executive, Chartered Institute for Archaeologists

¹ <http://gov.wales/consultations/planning/proposed-technical-advice-note-24-the-historic-environment/?lang=en>

² National Planning Policy Framework, Annex 2. Although this document applies only to England, the concept is equally applicable to Wales and is subsumed within evidential value in Conservation Principles.