

Planning Policy Wales Chapter 6 Consultation
Planning Policy Branch
Planning Directorate
Welsh Government
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13 June 2016

Consultation on Revision of Planning Policy Wales Chapter 6: The Historic Environment¹

Dear Mr Davies,

Thank you for the opportunity to contribute to the consultation on the revision of Planning Policy Wales Chapter 6: 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 3,200 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.

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

The Revision of Planning Policy Wales Chapter 6: The Historic Environment

General comments

CIfA welcomes Welsh Government's commitment to the protection and sustainable management of the Welsh historic environment not only through its passing of the Historic Environment (Wales) Act 2016 and formulation of revised policy and guidance, but also through its willingness to engage with the historic environment sector in an effort to ensure that such provisions most effectively protect and promote the historic environment of Wales.

In particular, the enactment of a duty to compile and maintain historic environment records for each local authority area in Wales is a far-sighted measure which delivers on that commitment. Nevertheless, the efficacy of this and other measures in practice will depend to a great extent upon the clarity and quality of supporting policy and guidance, foremost amongst which is Planning Policy Wales.

The Institute strongly supports the significance-based approach to the sustainable management and protection of the historic environment advocated in the draft revised Chapter 6, based largely upon *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* (2011), but would like to see an even more holistic and seamless approach to the management and protection of historic assets. Such an approach should, where possible, avoid the rigid distinction between 'buildings' (many of which have archaeological interest) and 'archaeological remains' and fully recognise the importance of undesignated historic assets (which constitute over 95% of the historic environment and for most of which the planning system provides the only effective protection). This could be largely achieved by referring generally to 'historic assets with archaeological interest' and ensuring that references to historic buildings recognise that many such buildings are historic assets with archaeological interest.

Such concerns (and other detailed issues highlighted in the response to specific questions) should not be seen as detracting from CIfA's support for Welsh Government's efforts to protect and promote the historic environment in Wales, but are intended in the spirit of joint working which Welsh Government has encouraged.

Specific consultation questions

Question 1: Do you agree with our objectives for the historic environment?

1.1 Yes, subject to the issues raised below.

If not, what objectives would you like to see or how would you change the existing objectives?

- 1.2 ClfA welcomes the continuing commitment to the main objectives already identified in the current Chapter 6, along with the new recognition of the need to contribute to *'knowledge and understanding of the past'* in the public benefit – a key justification generally for the management and protection of the historic environment and specifically for the investigation of historic assets with archaeological interest.
- 1.3 We also welcome the specific commitment to *'conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy'* and appreciate that the phrasing of the following bullet point in paragraph 6.2.1 (relating to historic buildings) is intended to reflect statutory duties. However, many buildings have archaeological interest and the separate treatment of 'archaeological remains' and 'historic buildings' in this paragraph, without more, gives the impression that these two categories are wholly distinct.
- 1.4 The statement in paragraph 6.2.3 that *'Local planning authorities should seek to reuse or modify historic assets ...'* needs to be modified, perhaps by the addition of the words *'where appropriate'* to reflect the fact that many historic assets with archaeological interest are not reasonably capable of reuse or modification.

Question 2: Do you agree that the roles and responsibilities of those involved in the planning process relating to the historic environment are clear and well defined?

2.1 Yes, subject to the matters set out below.

If not, how would you clarify them?

- 2.2 The description of Welsh Ministers' call in powers in paragraph 6.3.1 is confined to 'designated' historic assets. The circumstances in which impact upon undesignated historic assets is material in this regard may be limited (although some are of national importance) and such circumstances may be caught by the reference at the end of the paragraph (*'... or which meet criteria set out in Planning Policy Wales'²*). Nevertheless, the reference to historic assets should not be constrained and consequently the word 'designated' should be deleted from this paragraph.
- 2.3 The explanation of the responsibilities of local planning authorities at paragraph 6.3.6 omits reference to the obvious and key responsibility to determine planning applications and formulate local plans. It is through the exercise of these general planning powers that the vast majority of the historic environment is managed and protected.
- 2.4 The reference to the role of the Welsh Archaeological Trusts at paragraph 6.3.9 is welcomed and ClfA strongly supports that role. However, the suggestion that the Trusts can provide advice to local planning authorities, although accurate, is understated. The Trusts do routinely provide such advice to the majority of planning authorities and this paragraph should reflect that.

Question 3: Do you agree that the approach to be taken in the preparation of development plans fully considers the historic environment? If not how would you suggest that this is overcome?

3.1 Yes, subject to the issues raised below.

3.2 ClfA supports the focus in section 6.4 on a plan-led system as a crucial element in the management and protection of the historic environment. Furthermore, the recognition in paragraph 6.4.2 that *'Historic environment records represent an indispensable tool for the formulation of development plans and the determination of planning applications'* is both accurate and helpful.

3.3 ClfA, however, has reservations as to the treatment of 'local historic assets' in paragraph 6.4.8 of the draft and this ties in with a broader concern about the treatment of undesignated assets generally. We welcome the recognition in the Introduction (paragraph 6.1.2) of the value of undesignated historic assets, but it would be helpful for Welsh policy also clearly to spell out the fact that the planning system provides the only effective protection for such assets which form the majority (over 95% of the historic environment). Concerns about proportionality and the risk of over-valuing assets of less than national importance can be addressed by making clear that assets should be conserved in a manner appropriate to their significance.

3.4 We do not object to (and, indeed, support) the identification of local historic assets in local development plans and it is wholly appropriate to provide a brief explanation in this regard in Chapter 6. However, the reference to the identification of assets of special local interest (my underlining) is potentially divisive. All historic assets are by definition of sufficient significance to warrant consideration in the planning process and adding the (undefined) label 'special' potentially adds a further, unjustified, layer of consideration to the process.

3.5 Furthermore, paragraph 6.4.8 should make clear that

(1) such lists are not exhaustive and that other assets should not be precluded from consideration in the development management process and

(2) the policy extends to the settings of assets of local interest (see paragraph 6.4.2 of the current Chapter 6 and paragraph 4.2 below)

Question 4: Do you agree that the approach to be taken during the Development Management process when determining applications relating to historic environment designations fully considers the historic environment?

4.1 No. In the first place section 6.5 on development management needs to address the approach to be taken when determining applications relating to the historic environment generally, and not just those relating to historic environment designations (my underlining) as the question suggests. In fairness, section 6.5 does seek to address the wider historic environment (see, for instance, the last sentence of paragraph 6.5.4), but there are a number of important issues that still need to be addressed, as set out below.

4.2 The first sentence of paragraph 6.5.4 is a welcome reiteration of the cornerstone for dealing with assets of archaeological interest in development management. However, it contains a significant omission when compared with paragraph 6.5.1 of the current Chapter 6 – namely, it does not refer to the setting of archaeological remains. The current Chapter 6 does not differentiate between designated and undesignated assets in terms of setting and the current draft represents a weakening of protection for the historic environment. The words ‘and their settings’ should be reinstated in the first line of paragraph 6.5.4 of the draft after the words ‘archaeological remains’.

4.3 Paragraph 6.5.4 also omits the presumption in favour of preservation in situ for ‘nationally important archaeological remains’ which appears in paragraph 6.5.1 of the current Chapter 6. Although the draft states that *‘Planning permission will only be granted in exceptional circumstances when a development has a negative impact on a scheduled monument (or an archaeological site shown to be of national importance) or a significantly damaging effect upon its setting’* this change of wording may be argued to involve a different approach to the assessment of the impact of development on nationally-important assets, particularly when compared to the presumptions which continue to be clearly stated in the draft in relation to listed buildings and conservation areas. The presumption in relation to archaeological remains should be expressly re-stated.

4.4 Desk-based archaeological assessments and field evaluations are crucial in effectively addressing archaeological issues prior to determination and have a key role to play in facilitating the timely delivery of sustainable development. Consequently, the policy expressed in the second sentence of paragraph 6.5.5 (*‘A desk-based archaeological assessment can be commissioned by a developer or required by a local planning authority ...’*) needs to be firmer. This could be addressed by omitting reference to the local planning authority in that sentence and replacing the next sentence with the following:

‘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.’

4.5 The last two sentences in paragraph 6.5.5 deal with the amount of information required and proportionality. The key in this regard is that there needs to be sufficient information to establish the significance of the asset(s) affected and the impact upon that significance. Sometimes, small-scale proposals can have a disproportionate effect on a historic asset so the amount of information required is not necessarily proportionate to the scale of the proposal. Therefore, we would suggest that the penultimate sentence should be revised to state that *‘The amount of information and analysis required should be enough to determine the possible impact on the historic environment and not disproportionate.’* (Similar concerns arise in relation to paragraph 6.1.3 in the Introduction to draft Chapter 6. The second sentence begins: *‘In making and determining applications relating to historic assets, applicants and consenting authorities must provide information...’* which may be read to suggest that the onus is (at least in part) on local authorities to produce information to support applications. Chapter 6 should make clear that the onus is squarely upon applicants to produce such information. What is more, what is proportionate action

can only be fully assessed, amongst other things, once the significance of the asset has been established.)

4.6 ClfA welcomes the reference to *'appropriate standards'* in the last sentence of paragraph 6.5.5 but would like to see those standards identified as ClfA standards (see <http://www.archaeologists.net/codes/ifa>).

4.7 Given the importance of enforceable conditions and obligations in ensuring that archaeological issues are addressed and appropriate public benefit secured, we would suggest that the words *'and secured'* should be added to the second sentence of paragraph 6.5.6 of the draft as follows;

'...a local planning authority ... must be satisfied that the developer has made and secured appropriate and satisfactory provision ...' [my underlining].

4.8 Furthermore, the reference later in paragraph 6.5.6 to works being carried out *'by competent expert archaeologists to the appropriate standards'* would be clearer

(1) if it referred to *'accredited archaeologists'* or, at least, provided a footnote explaining that *'The Chartered Institute for Archaeologists (ClfA) has a register of accredited organisations for historic environment practice. ClfA requires its members to meet defined levels of competency.'*

(2) if it identified *'appropriate standards'* as those of the Chartered Institute for Archaeologists (ClfA) (see <http://www.archaeologists.net/codes/ifa>).

4.9 The references to archaeological work required in relation to listed buildings in paragraphs 6.5.12 and 6.5.15 are welcomed, notwithstanding the concerns expressed above about the dichotomy between buildings and archaeological remains.

4.10 The reference in paragraph 6.5.22 to the withdrawal of permitted development rights in conservation areas is helpful. In the light of continuing concerns about the deleterious effects of the exercise of permitted development rights on the historic environment generally, this is a topic that might benefit from recognition in a broader context in this high level policy document.

4.11 See paragraph 3.4 above with regard to the use of the word *'special'* in paragraph 6.5.23 of the draft.

Question 5: Do you agree that it is appropriate to include text on Enabling Development as national planning policy?

5.1 Yes, although as an exception to general policy this should be dealt with briefly (as it is in the consultation draft).

If not, is this a matter more appropriate to set out within Cadw's guidance on the historic environment?

5.2 See above. It would be appropriate to elaborate upon the high level policy in Chapter 6 in supporting guidance.

Question 6: We have asked a number of specific questions. If you have any related issues which we have not addressed, please let us know.

6.1 See the general comments at the beginning of this response.

The Institute looks forward to continuing to work with Welsh Government and other stakeholders in the implementation of the Act and the production of supporting regulation, policy and guidance. 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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Chief Executive, Chartered Institute for Archaeologists

¹ <http://gov.wales/consultations/planning/proposed-changes-to-planning-policy-wales-chapter-6-the-historic-environment/?status=open&lang=en>

² This reference should be revised to read '*... or which meet criteria set out in paragraph 3.12.1 above.*'