



EPR Consultations
Radioactivity and Pollution Prevention Branch
Welsh Government
Cathays Park
Cardiff CF10 3NG

04 April 2013

Dear Sir / Madam,

Consultation on draft Environmental Permitting (England and Wales) (Amendment) Regulations 2013 – a package of proposals

Thank you for the opportunity to comment on this package of proposals.

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.

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 100 members practising in the public, private and voluntary sector in Wales.

Draft Environmental Permitting (England and Wales) (Amendment) Regulations 2013 – a package of proposals

General

IfA welcomes the development of an environmental permitting framework which seeks to cut red tape without affecting environmental standards. Indeed, there may be scope ultimately further to integrate both the health and environmental objectives (including the management and protection of the historic environment) of the Waste Framework Directive within that permitting framework.

Waste activities have the potential significantly to impact upon the historic environment both directly (for instance, through the physical disturbance of archaeological remains) and indirectly (for instance, through changes to groundwater conditions). Impacts upon heritage assets (and, in particular, undesignated assets) are currently addressed primarily through the operation of the planning regime.

Specific Questions

Question 1: Do you support the proposal to provide greater flexibility to waste operators by removing the pre-requisite requirement for planning permission to the grant of a permit for certain waste operations? If not, why not?

1. Yes, provided that the safeguards for the historic environment provided by the planning regime are not weakened in any way. The impacts of development upon heritage assets are considered as part of the planning process both in respect of the in-principle decision to allow development ('if') and the detailed consideration as regards implementation of any scheme ('how') and planning conditions / obligations are often imposed / agreed in order to ensure that the effect of activities upon the historic environment is acceptable. Impacts upon the historic environment must continue to inform any final decision upon the acceptability and details of any development.

Question 2: If you do agree to the removal of the pre-requisite need for planning permission do you have any comments whether that should be in all circumstances or whether some activities still merit the planning determination to precede the permitting decision?

2. The permitting decision cannot constrain the planning determination (which must, for instance, continue to address the above issues relating to the historic environment). Consequently, there may be cases where time and resources are wasted in the permitting process only for planning permission subsequently to be refused. Ultimately this may be a commercial consideration for the applicant, but further development of mechanisms to ensure that likely major planning issues are identified in advance might help. The long term solution may be fully to integrate the planning and permitting processes, but this is beyond the scope of this consultation.

Question 3: Do you have any comments on specific issues that might require amended or further guidance on the interface between planning and permitting?

3. Further guidance on consideration of the historic environment in the context of the interface between planning and permitting may be useful. The Institute would be happy further to discuss this issue.

Question 4: Do you have any comments on the transition costs and other costs (at section 2.13) arising from this change in policy?

4. No comment.

Question 5: Do you agree with the proposal to deregulate the discharge from certain low risk GSHC systems? If not, why not?

5. Only if adequate safeguards for the historic environment are in place.

Question 6: Do you agree with the criteria and conditions attached to the exemption? If not, why not?

6. No comment.

Question 7: Do you agree with the proposal to remove the requirement for local authorities to maintain duplicate public register permit information to that held by the Environment Agency? If not, why not?

7. The removal of such duplication appears sensible provided that it does not in any way undermine the role of local authorities in protecting the environment (and, in particular, the historic environment).

Question 8: Do you agree with the proposed arrangements to ensure the information is available to those seeking it?

8. Greater use of the internet in line with the UK Government's 'digital by default' agenda is welcomed.

Question 9: Do you consider that the FTT is an appropriate destination for appeals under the Environmental Permitting Regulations 2010, or should they remain with PINS?

9. No comment. Whichever body is responsible for such appeals should have appropriate access to historic environment expertise.

Question 10: Do you consider that the General Regulatory Chamber Rules will suit the handling of these appeals? If not, why not?

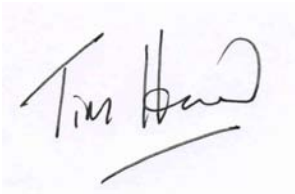
10. No comment.

Question 11: Do you agree with these miscellaneous proposals? If not, which ones do you disagree with and why?

11. No comment.

If there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink that reads "Tim Howard". The signature is written in a cursive style with a long horizontal stroke at the bottom.

Tim Howard LLB, Dip Prof Arch
Policy Advisor