



Sangeeta Sofat
Review of Planning Practice Guidance
Department for Communities and Local Government
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11 February 2013

Dear Ms Sofat,

Consultation on the Review of Planning Practice Guidance

Thank you for the opportunity to comment on the Review of Planning Practice Guidance led by Lord Taylor of Goss Moor.

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 3,200 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.

IfA has responsibility for setting practice standards for its members in the public interest.

Review of Planning Practice Guidance

General

IfA welcomes the publication of this review and agrees with the Review Group that there is not presently *'an effective suite of planning practice guidance to support plan making and development management by the sector as a whole, nor is it in a form which can be effectively managed and kept up-to-date'*. The Institute also broadly supports the Review Group's recommendations to address the shortcomings of the current system. IfA's reservations and concerns are made clear in the answers to specific questions.

Specific Questions

1. Do you agree with the recommendations of the Review Group overall?

1.1 In general, yes. However, IfA is concerned that policy and guidance *'does not necessarily achieve clarity by virtue of its brevity'*¹ and that the desire to *'provide'* only *'essential information'* in Government guidance may ultimately result in ambiguity which would undermine, rather than

facilitate, the prompt delivery of sustainable development.

1.2 Furthermore, although the Institute welcomes the opportunity for practitioner bodies such as IfA to provide best practice guidance, for that guidance to be consistently and effectively applied it should at least be endorsed by Government.

2. Do you agree with the proposed recommendations for a much reduced set of essential practice guidance in the format recommended? (Recommendations 1, 2, 3, 5, 6)

2.1 In general, yes, but see paragraph 1.1 above. Although IfA supports the National Planning Policy Framework in its current form, it does require detailed elaboration in guidance. Much of the detail in *PPS5 Planning for the Historic Environment: Historic Environment Practice Guide (2010)* should be viewed as necessary guidance on what is required in considering applications relating to the historic environment ('minimum compliance') rather than discretionary good practice. The same can be said for the draft Historic Environment Forum (HEF) guidance (which improves upon the Practice Guide but needs additional work before it adequately or accurately deals with archaeological matters). If all of this detail cannot be included in high-level, Government-endorsed guidance, then it should at least be signposted in that guidance and produced by the sector with the support of Government.

2.2 It is very important that some key elements are included in the Government guidance rather than HEF guidance, in order for them to have the necessary weight (see paragraph 7.2 below). For example, some local planning authorities are (for whatever reason) misinterpreting the NPPF with regard to the use of historic environment services and their expert staff and making decisions affecting the archaeological interest of heritage assets without any input from relevant experts – a process that may soon result in a major scandal and controversy if important sites are destroyed without any formal consideration, in conflict with the requirement for sustainable development. The risks could be much reduced through clear, firm guidance which facilitates development that is sustainable and realises public benefits, thereby ensuring that the historic environment is given proportionate protection and so preventing unnecessary costs and delays to development.

2.3 IfA is strongly supportive of the far-sighted proposals for a web-based, live resource with active management and regular updates.

3. Do you agree that standards for future Government Planning Practice Guidance should be implemented by the Chief Planner in DCLG, but with decisions on what to include within guidance still taken by Ministers? (Recommendation 4)

3.1 Yes.

4. While access to all planning guidance online will be free of charge, do you think it would be appropriate to offer planning professionals an additional service involving immediate notification of every revision to the guidance, and to make a small charge for this service? (Recommendation 6)

4.1 Ideally this service should be available to all, free of charge.

5. Do you agree that the new web based resource should be clearly identified as the unique source of Government Planning Practice Guidance? (Recommendations 7-9)

5.1 Yes. Care will need to be taken (for instance, by date stamping) to ensure that, in use, the guidance is current and definitive.

6. Do you agree with the recommended timescales for cancellation of guidance and

new/revised guidance being put in place? (Recommendations 10-13)

6.1 The timetable is challenging, but might be achieved (at least with regard to the historic environment) if the historic environment sector is fully and promptly engaged in the process.

7. Do you agree with the recommendations for cancellation of existing guidance documents? Are there specific, essential elements of current guidance material that should in your view be retained and considered for inclusion in the revised guidance set? (Recommendations 14 - 16)

7.1 For the most part, yes. IfA agrees that *PPS5 Planning for the Historic Environment: Historic Environment Practice Guide (2010)* (Review Report, Annex C, document 31) should remain in place until replaced by revised guidance and accepts that this may involve a substantial reduction in the length of that guidance. However, the Institute is concerned as to the extent of that reduction (see paragraph 2.1 above).

7.2 Such high-level, Government guidance should in any event address the following (amongst other things) in relation to archaeology

- clarification of the concept of 'archaeological interest'
- recognition of the importance of Historic Environment Records (HERs) and the services which support them
- recognition of the importance of undesignated heritage assets in the planning system and guidance on how they should be managed sustainably
- the advantages of development-related, archaeological work being carried out by competent, accredited practitioners working in accordance with professional standards.

7.3 IfA has seen a copy of the response of English Heritage to this consultation (dated 08 February, 2013) and supports the general thrust of its recommendations. However, we are concerned that the *Essential Historic Environment Material for Government Planning Practice Guidance* produced by English Heritage as Annex A to its consultation response does not deal adequately or (in some instances) accurately with archaeological issues. In particular

- the Annex does not adequately highlight the importance of HERs which are fundamental to the management of assets of archaeological significance and of the historic environment, generally
- paragraph 6 of the Annex confuses non-designated heritage assets (which, nonetheless, by definition have sufficient heritage interest to warrant consideration in planning decisions) with those '*non-designated buildings and sites*' which have insufficient heritage interest to warrant consideration in planning decisions (and are thus not heritage assets)
- paragraph 17 of the Annex is inconsistent with the NPPF insofar as it refers only to '*non-designated heritage assets of archaeological interest* [which should be afforded] *the same weight in decisions as that afforded to designated heritage assets*'. This ignores the much larger group of non-designated heritage assets whose significance is less than that of designated heritage assets but which nevertheless warrant protection through the planning regime. Government policy and guidance should ensure that this important role of the planning regime is clearly understood.

IfA will continue to work with English Heritage and HEF partners to address these issues.

7.4 IfA is also concerned that the cancellation of best practice guidance, for instance, in relation to listed building prosecutions (Review Report, Annex A, document 57), even if replaced by sector guidance, might ultimately reduce levels of protection for the historic environment since the latter guidance will carry less weight. (See also paragraph 1.2 above)

8. Do you agree with the recommended priority list for new/revised guidance? (Recommendations 17-18)

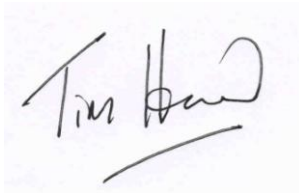
8.1 No. IfA wishes to see the revision of *PPS5 Planning for the Historic Environment: Historic Environment Practice Guide (2010)* included as an urgent priority to ensure the continued protection of the historic environment. In general we commend the HEF draft for its clear explanation of the responsibilities under the National Planning Policy Framework of applicants and planning authorities, but there is also an urgent need for good practice guidance from practitioner bodies, and for correction of some misconceptions about archaeology in the HEF draft.

9. Are there any further points you would like to make in response to the Review Group's Report? Do you have additional ideas to improve and/or streamline planning practice guidance?

9.1 Any improvement and/or streamlining of planning practice guidance in relation to the historic environment should be undertaken with active involvement of DCMS, English Heritage and other stakeholders in the sector (including IfA).

If there is anything further that I can do to assist please do not hesitate to contact me. IfA would welcome the opportunity further to engage with Government and other stakeholders in this regard.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tim Howard', with a horizontal line underneath.

Tim Howard LLB, Dip Prof Arch
Policy Advisor

¹ CLG Committee Report: The National Planning Policy Framework, HC 1526, page 3