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Dear Sir / Madam,

Planning Law in Wales: consultation paper

Thank you for the opportunity to comment on the review of planning law in Wales and proposals for its reform. This response is submitted on behalf of the Chartered Institute for Archaeologists (CIfA), a professional body representing archaeologists working across the UK and overseas, and the Council for British Archaeology (CBA), representing the public voice for archaeology. Details of both bodies are provided in a separate appendix.

Planning Law in Wales

General

Value of the historic environment for Wales

Welsh Government rightly recognises that the historic environment 'is a finite and non-renewable resource and a vital and integral part of the historical and cultural identity of Wales' which contributes 'to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life'¹. Furthermore, its management and protection are key components of sustainable development (see paragraph 1.6 of *TAN 24 The Historic Environment*).

The heritage sector in Wales supports over 40,500 jobs (2.9% of Welsh employment) and contributes around £1.8 billion in output and £932 million to Wales's national gross value added (2.8 per cent of the Welsh economy)², thus contributing over twice

¹ Paragraph 6.2.1 of Planning Policy Wales, Edition 9, November 2016

² Heritage Counts Wales 2016

as much to the economy as the agriculture sector.³ 59% of Welsh people visit a heritage site every year⁴ and in 2015-16 Wales' historic environment attracted 3.3m visitors from other parts of the UK, and 61% of overseas visitors⁵ said they came specifically to see historic buildings and ancient monuments, some 591,000 people spending over £250m in doing so.⁶

Importance of planning for the historic environment in Wales

The planning system plays a key role in the management and protection of the historic environment in Wales. That role is not confined simply to designated assets. Over 90% of the historic environment is undesignated (i.e. not specifically protected by listing, scheduling or some other statutory designation) and is, for the most part, solely protected as a 'material consideration' in the planning process. In many ways, therefore, the planning system is more important to the management and protection of undesignated assets than it is in respect of designated assets. Some undesignated assets are of equivalent importance to those which are designated and previously unknown assets may be identified by archaeological assessment/evaluation during the plan-making or development management processes⁷ (see paragraph 6.4.7 of *Planning Policy Wales*).

Historic assets are widely defined⁸ and the distinction between listed buildings and scheduled monuments (or, more generally and inaccurately, 'archaeology') can often be misleading as many buildings have archaeological interest and many assets with archaeological interest are buildings. Indeed, some scheduled monuments are also listed buildings, for instance, Conwy Castle, which is a scheduled monument and a listed building, as well as a World Heritage Site and was the most visited of CADWs castles in 2017, with over 200,000 visitors⁹.

Threats to the historic environment in Wales

Limited resources for local authorities and other public bodies in the wake of the recession and pressure to 'kick-start' the economy, in part, by relaxing planning

³ Statistics Wales – Farming Facts and Figures 2016

⁴ National Survey for Wales, 2014-15 - Arts, museums and historic places

⁵ Cadw Shoulder Season Visitor Survey, May 2015

⁶ Heritage Counts Wales 2016

⁷ The application process is a crucial trigger enabling the requirement of archaeological assessment and evaluation and the imposition of conditions

⁸ See paragraph 1.7 of *TAN 24 The Historic Environment*

⁹ <https://www.dailypost.co.uk/news/north-wales-news/conwy-castle-tops-most-visited-14089306>

regulation (for instance, through the extension of permitted development rights) has left the historic environment vulnerable to harm.

Research in 2012¹⁰ showed reductions in staffing levels for conservation and archaeological staff in Wales and that trend has continued¹¹.

A recent report by the Historic Environment Group on the impacts and opportunities of Brexit for the historic environment in Wales (June 2017) identified that the scrapping or watering down of EU-derived environmental protection legislation could lead to irreversible damage to the built heritage of Wales. This is a potential threat that is yet to be realised. We would consider that any revision of heritage legislation in relation to planning law at the current time would be premature, since there are likely to be implications from the EU transition that may need addressing in the near future.

The proposed merger of listed building consent with planning permission

This is the proposal which has engendered by far the most discussion and concern in the historic environment sector. Important as it is (we address it under question 13.1), this should not, however, blind us to other aspects of the inter-relationship between planning and the historic environment.

Other Issues

In particular, the review does little, if anything, to address the crucial importance of the planning system in managing and protecting undesignated historic assets. Indeed, the focus on designated assets risks inadvertently reducing the protection for those assets which are not designated, contrary to the intention expressed in paragraph 3.10 of the review. This is not an issue which can be left to any future historic environment code, given the central role of planning in this regard.

Furthermore, the clear-cut distinction drawn in the review between buildings and monuments overlooks the complex inter-relationship of heritage values¹² potentially to the detriment of the historic environment.

¹⁰ See the IHBC report, *Quantifying Local Planning Authority Conservation and Archaeology Staffing in Wales*:

<http://www.ihbc.org.uk/news/docs/IHBC%20Quantifying%20staffing%20in%20Wales%202012.pdf>

¹¹ Evidence from Welsh Local Government Association (WLGA) to the Culture, Welsh Language and Communications Committee for the inquiry into Wales's historic environment.

(<http://senedd.assembly.wales/documents/s69021/Paper%207.pdf>)

¹² See *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Cadw 2011: <http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>

We have answered the consultation questions selectively to highlight the above (and other) concerns.

Specific Questions

5.4 We provisionally propose that a provision or provisions should be included to the effect that:

(1) a body exercising any statutory function must have regard to the desirability of preserving or enhancing historic assets, their setting, and any features of special interest that they possess; and

(2) a body exercising functions under the Planning Code and the Historic Environment Code must have special regard to those matters; and that “historic assets” be defined so as to include world heritage sites, scheduled monuments, listed buildings, conservation areas, registered parks and gardens, and such other categories of land as the Welsh Ministers may prescribe.

Do consultees agree?

5.4.1 We strongly agree with the proposal to introduce a statutory duty, but equally strongly dis-agree with the proposal to define ‘historic assets’ *‘so as to include world heritage sites, scheduled monuments, listed buildings, conservation areas, registered parks and gardens, and such other categories of land as the Welsh Ministers may prescribe’*.

5.4.2 ‘Historic assets’ are already defined (in paragraph 1.7 of *TAN 24 The Historic Environment*) as:

‘An identifiable component of the historic environment. It may consist or be a combination of an archaeological site, a historic building or area, historic park and garden or a parcel of historic landscape. Nationally important historic assets will normally be designated’

and it would be extremely unhelpful to provide a further, inconsistent, definition, on its face excluding undesignated assets. If it is envisaged that Welsh Ministers would prescribe undesignated assets, this would provide an unnecessarily circuitous means to arrive at the definition in planning policy.

5.4.3 Consequently we support these duties in respect of the historic environment but wish to see ‘historic assets’ defined consistently with planning policy.

5.7 We provisionally consider that it is not necessary for the Bill to contain a provision, equivalent to section 2 of the P(W)A 2015, to the effect that any public

body exercising some of the functions under the Code must do so as part of its duty under the Wellbeing of Future Generations (Wales) Act 2015 to carry out sustainable development.

Do consultees agree?

5.7.1 No. Given the centrality of sustainable development to the planning system, we feel that such provision should be in the Code.

5.8 We provisionally propose that a series of signpost provisions to duties in non-planning legislation that may be relevant to the exercise of functions under the Code should be included at appropriate points within Ministerial guidance.

Do consultees agree?

5.8.1 Yes. There may, however, be another related issue as regards principles of EU law which may no longer be directly applicable after Brexit. These include the polluter pays and precautionary principle and it would be helpful expressly to embody these in the Planning Bill.

5.9 We provisionally propose that section 53 of the Coal Industry Act 1994 (environmental duties in connection with planning) should be amended so that it no longer applies in Wales.

Do consultees agree?

5.9.1 No. The logic of the report may be correct, but removing this duty in Wales (particularly when it refers expressly to archaeological interest) may be seen by some as a lessening of protection and as such would undermine clarity.

5.10 In light of the previous proposals in this Chapter, we provisionally consider that there is no need for the Bill to contain a provision explaining the purpose of the planning system in Wales.

Do consultees agree?

5.10.1 No. In some quarters throughout the United Kingdom the primary purpose of the planning system is seen to be the delivery of economic development, and housing and planning is increasingly seen as an unnecessary clog on development. Reiteration of the purpose of the planning system in Wales would be helpful to make clear that the achievement of sustainable development in the public interest (which involves balancing environmental, social and economic interests) is the primary objective of the planning system.

7.6 We provisionally propose that section 55(2)(d) to (f) of the TCPA 1990 should be clarified by providing that the following changes of use should be taken for the purposes of the Act not to involve development of the land:

(1) the change of use of land within the curtilage of a dwelling to use for any purpose incidental to the enjoyment of the dwelling as such;

(2) the change of use of any land to use for the purposes of agriculture or forestry (including afforestation) and the change of use for any of those purposes of any building occupied together with land so used;

(3) in the case of buildings or other land which are used for a use within any class specified in an order made by the Welsh Ministers under this section, the change of use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, from that use to any other use within the same class.

Do consultees agree?

7.6.1 No comment, save that

(1) the potential effect of such changes on the setting of historic assets needs to be addressed. Changes of use may not necessarily involve direct interference with the fabric of historic assets but can have far-reaching effects upon the setting of such assets and hence their significance

(2) some thought might also be given as to how it might be possible better to control some agricultural activities through the planning regime, given the potential for damage to historic assets with archaeological interest through activities such as ploughing (and given the current system of Class Consents which potentially allows this to happen even in the case of scheduled monuments).

7.9 We provisionally propose that sections 88 and 89 of the TCPA (planning permission granted by enterprise zone scheme) should not be restated in the new Planning Bill.

Do consultees agree?

7.9.1 Yes. As stated above, mechanisms which by-pass the normal application procedures for planning permission carry significant risks for the historic environment.

7.10 We provisionally propose that sections 82 to 87 of and Schedule 7 to the TCPA (simplified planning zones) should not be restated in the new Planning Bill.

Do consultees agree?

7.10.1 Yes. As stated above, mechanisms which by-pass the normal application procedures for planning permission carry significant risks for the historic environment.

8.1 We provisionally consider that the law as to planning applications could be simplified, by:

(1) abolishing outline planning permission;

(2) requiring that every application for planning permission for development – whether that development is proposed, or is under way, or has been completed – being accompanied by plans, drawings and information sufficient to describe the proposed development;

(3) enabling the items to accompany applications to be prescribed in regulations, so as to include (so far as relevant) details of

- the approximate location of all proposed buildings, routes and open spaces,
- the upper and lower limit for the height, width and length of each building proposed, and

- the area or areas where access points will be situated;

(4) enabling an applicant to invite the planning authority to grant permission subject to conditions reserving for subsequent approval one or more matters not sufficiently particularised in the application;

(5) enabling an authority

- to grant permission subject to such conditions (whether or not invited to do so); and

- to notify the applicant that it is unable to determine an application without further specified details being supplied.

Do consultees agree?

8.1.1 Given the need for archaeological assessment and evaluation in appropriate cases before the principle of development is established, we are concerned at any reforms under the guise of simplification which allow and/or facilitate the grant of permission without appropriate consideration of such matters. We appreciate that the abolition of outline planning permission may be said to be beneficial in this regard, but the proposed requirement for all applications to be accompanied by plans, drawings and information sufficient to describe the proposed development should be broadened to make clear that sufficient information is required adequately to assess the impact of development upon, amongst other things, the historic environment.

8.9 We provisionally consider that the distinction between conditions and limitations attached to planning permissions should be minimised, either:

1) by defining the term “condition” so as to include “limitation”, or

2) by making it clear that planning permission granted in response to an application or an appeal (as opposed to merely permission granted by a development order, as at present) may be granted subject to limitations or conditions.

Do consultees agree?

8.9.1 Yes.

8.10 We provisionally propose that the provisions in the TCPA 1990 as to the imposition of conditions should be replaced in the Bill with a general power for planning authorities to impose such conditions or limitations as they see fit, provide that they are:

- (1) necessary to make the development acceptable in planning terms;**
- (2) relevant to the development and to planning considerations generally;**
- (3) sufficiently precise to make it capable of being complied with and enforced; and**
- (4) reasonable in all other respects.**

Do consultees agree?

8.10.1 Yes.

8.11 In addition to the general power to impose conditions and limitations, it would be possible to make explicit in the Code powers to impose specific types of conditions and limitations, considered in Consultation questions 8-12, 8-16 and 8-18. Do consultees consider that the powers to impose all or any of these types of conditions (or others) should be given a statutory basis – either in the Bill or in regulations – or should they be incorporated in Government guidance on the use of conditions?

8.11.1 They should be given a statutory basis.

8.12 We provisionally propose that the Code should include a provision enabling the imposition of conditions to the effect:

- (1) that the approved works are not to start until some specified event has occurred (a Grampian condition)**

Do consultees agree?

8.12.1 Yes. Grampian conditions are key mechanisms to secure public benefit in relation to the historic environment (and, in particular, historic assets with archaeological interest) and should be clearly recognised as such.

8.18 We provisionally propose that the Bill, or regulations under the Bill, should enable the imposition of conditions to the effect:

- (1) that particular features of the building or land to which the permission relates be preserved, either as part of it or after severance from it;**
- (2) that any damage caused to the building or land by the authorised works be made good after those works are completed; or**
- (3) that all or part of the building or land be restored following the execution of the authorised works, with the use of original materials so far as practicable and with such alterations as may be specified.**

Do consultees agree?

8.18.1 Yes. However, we would also like to have seen some consideration as regards the issues relating to conditions affecting historic assets with archaeological interest, the significance of which is non-renewable. For instance, clarification of the ability partially to discharge archaeological conditions would be helpful – an issue raised in a different context by the Law Society in its response dated 25 April 2014 to Welsh Government consultation on the use of planning conditions for development management¹³

11.3 We provisionally propose that the power to appoint assessors to assist inspectors to determine appeals that are the subject of inquiries or hearings:

- (1) should be widened so as to be exercisable by inspectors as well as by the Welsh Ministers; and**
- (2) should be extended to allow the use of assessors in connection with applications determined on the basis of written representations.**

Do consultees agree?

11.3.1 Yes.

11.4 We provisionally propose that the changes proposed in Consultation questions 11-1 to 11-3 should apply equally to:

- (1) appeals against enforcement notices;**
- (2) appeals relating to decisions relating to applications for listed building consent or conservation area consent, express consent for the display of advertisements, and consent for the carrying out of works to protected trees; and**
- (3) appeals against listed building and conservation area enforcement notices, advertisements discontinuance notices, tree replacement notices, and notices relating to unsightly land.**

¹³ <https://consultations.gov.wales/sites/default/files/consultation-documents/141006responses-28-53-en.pdf>

Do consultees agree?

11.4.1 Yes.

13.1 We provisionally propose that the control of works to historic assets could be simplified by:

(1) amending the definition of “development”, for which planning permission is required, to include “heritage development”, that is:

- the demolition of a listed building; or
- the alteration or extension of a listed building in any manner that is likely to affect its character as a building of special architectural or historic interest;

or

- the demolition of a building in a conservation area;

(2) removing the requirement for listed building consent and conservation area consent to be obtained for such works; and

(3) implementing the additional measures outlined in Consultation questions 13-2 to 13-8 to ensure that the existing level of protection for historic assets would be maintained.

Do consultees agree?

13.1.1 No. We will consider listed building consent and conservation area consent separately.

The merger of listed building consent with planning permission

13.1.2 While the arguments in the proposal would seem logical and persuasive, we strongly disagree that it would, overall, achieve the desired outcome of simplification or retention of existing levels of protection for the historic environment.

13.1.3 No doubt provisions relating to listed buildings could be replicated within the wider planning system (although the need to provide special treatment for listed buildings within the general planning system begs the question whether such an approach would in reality be more accessible, effective or efficient). However, little, if any, evidence has been produced to suggest that the relatively small number of overlapping applications dealt with each year in Wales has actually been problematic, produced inefficiency or made the system less accessible for the public. Indeed, if an electronic submission is filed for both listed building consent and planning permission then only one set of application forms and supporting documents is required. Monmouthshire County Council states¹⁴ that it receives about 1,000 planning

¹⁴ Personal email from Amy Longford, MCC, to Cyllene Griffiths, CBA, dated 28/01/2018

applications a year and on average 100 listed building consent applications per year where approximately 50% of these have a concurrent planning application – this equates to only 50 applications out of 1000 being a perceived duplication. Pembrokeshire Coast National Park Authority confirmed¹⁵ a similar number (53%) of applications for listed building consent had an accompanying application for planning permission.

13.1.4 Such reform in practice risks devaluing listed building status. The need for a separate application for listed building consent makes the differentiation between listed buildings and other buildings and land clear at the outset and emphasises the importance of the former. Additionally, having a separate process emphasises and ensures that listed buildings are given the special regard required by the statute within the context of assessing development proposals.

13.1.5 Furthermore, any perceived diminution in the value of listed buildings and of the processes designed to preserve and enhance them can only aggravate the problem of diminishing resources applied to local authority historic environment services. This may to some extent be a matter of political will (see paragraphs 13.126-126 of the review), but authorities are under intense financial pressure and anything which might be seen as an invitation to by-pass conservation officers and other heritage professionals may provide a temptation too hard to resist for beleaguered politicians. Nor are such risks likely to be avoided by the use of guidance. Such guidance has sought to protect the historic environment throughout the United Kingdom, but it does not have the force of statute and has not prevented the loss of local authority and other historic environment services. As a professional body, ClfA (in partnership with CBA, IHBC and others in the sector) has lobbied hard for the maintenance of local authority historic environment services and the expert input that they provide throughout the UK, but this has not always been enough to ensure that there is appropriate expert advice to planning authorities in all cases.

13.1.6 Addressing the aims in seeking to unify consent regimes with planning permission identified at paragraph 13.7 of the review (in reverse order) – whether or not it simplifies the legislative framework (and the large number of technical amendments required suggests that it might not), we have seen no convincing evidence that it would reduce bureaucracy, and make the system more efficient; make the system more accessible or operate effectively alongside existing management systems, while there are real fears that in practice it would herald reduced levels of protection for the historic environment.

¹⁵ Personal email from Rob Scourfield, PCNPA, to Cyllene Griffiths, CBA, dated 29/01/2018

13.1.7 In addition, the full implications of these (and other) proposals within the review for the operation of the system of ecclesiastical exemption in Wales need to be considered and addressed.

The merger of conservation area consent with planning permission

13.1.8 Conservation Area Consent is a slightly different issue, although the question remains whether its existence has caused real problems in practice. We accept that the reform envisaged in Wales has already been implemented in England, but it would be wise to allow the reforms there to bed in and assess their effect, recognising nonetheless the differing circumstances that apply in Wales.

Heritage development

13.1.9 We are also concerned at the proposed definition of ‘heritage development’ effectively as confined to buildings. We appreciate that this term is proposed to serve a particular purpose in relation to listed building and conservation area consent, but it would be unhelpful to have such a definition in legislation which on its face excludes development affecting such a large proportion of historic assets (both designated and undesignated).

13.2 We provisionally propose that the power to make general and local development orders should be extended to enable the grant of planning permission by order for heritage development.

Do consultees agree?

13.2.1 No, since we do not support the proposed unification of consents.

13.3 We provisionally propose that heritage partnership agreements should be capable of granting planning permission by order for heritage development in such categories as may be prescribed. Do consultees agree?

13.3.1 No, since we do not support the proposed unification of consents.

13.4 We provisionally consider that the provisions (currently in sections 191 and 192 of the TCPA 1990) relating to certificates of lawfulness should be extended to include works that currently require only listed building consent or conservation area consent. Do consultees agree?

13.4.1 No, since we do not support the proposed unification of consents. Nonetheless, we do acknowledge that this would be one of the benefits if the proposed unification were to occur.

13.5 We provisionally consider that the Bill should include provisions to the effect that:

(1) any appeal relating to works to a listed building may contain as a ground of appeal that the building in question is not of special architectural or historic interest, and ought to be removed from the list of such buildings maintained by the Welsh Ministers;

(2) where a building is subject to a building preservation notice (provisional listing), the notice of appeal may contain a claim that the building should not be included in the list;

(3) the Welsh Ministers, in determining an appeal relating to a listed building, may exercise their powers to remove the building from the list; and

(4) in determining an appeal relating to a building subject to a building preservation order, they may exercise their powers not to include it in the list.

Do consultees agree?

13.5.1 If there is to be unification of consents as proposed, yes.

13.6 We provisionally propose that the Bill should include provisions to the effect that:

(1) the carrying out without planning permission (or in breach of a condition or limitation attached to permission) of heritage development – defined along the lines indicated in Consultation question 13-1 – be a criminal offence, punishable

- on summary conviction by imprisonment for a term not exceeding six months or a fine or both; or

- on summary conviction by imprisonment for a term not exceeding two years or a fine or both; and

(2) the defence to a charge of such an offence is the same as currently applies in relation to a charge of carrying out works without listed building consent.

Do consultees agree?

13.6.1 If there is to be unification of consents as proposed, yes, although, if anything, we would like to see greater penalties available and utilised in practice.

13.7 We provisionally propose that the Bill should include provisions to the effect that heritage development be excluded from the categories of development that are

subject to time limits as to the period within which enforcement action may be taken. Do consultees agree?

13.7.1 If there is to be unification of consents as proposed, and subject to the concerns expressed above as to the use of the term ‘heritage development’, yes.

13.8 We provisionally propose that the Bill should include provisions to the effect that:

(1) where an enforcement notice is issued in relation to the carrying out of heritage development in breach of planning control, the grounds on which an appeal may be made against such a notice include grounds equivalent to grounds (a), (d), (i), (j) and (k) as set out in Section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

(2) the Welsh Ministers, in determining an enforcement appeal relating to a listed building, may exercise their powers to remove the building from the list.

(3) in determining an enforcement appeal relating to a building subject to a building preservation order, they may exercise their powers not to include it in the list.

Do consultees agree?

13.8.1 If there is to be unification of consents as proposed, yes.

13.9 We provisionally consider that planning permission should not be unified with scheduled monument consent. Do consultees agree?

13.9.1 Yes. However, as explained above the issues relating to the consideration of historic assets with archaeological interest (both designated and undesignated) should be addressed in the review.

13.10 We provisionally consider that the definition of “listed building” should be clarified by making it clear that the definition includes pre-1948 objects and structures if they were within the curtilage of the building in the list, as it was:

(1) in the case of a building listed prior to 1 January 1969, at that date; and

(2) in any other case, at the date on which the building was first included in the list.

Do consultees agree?

13.10.1 Yes. We would also consider that the concept of curtilage for a heritage asset should be more clearly defined that it is at present as commented below (see paragraph 18.6.1).

13.11 We provisionally propose that the Ancient Monuments and Archaeological Areas Act 1979 should be amended so that Part 2 (areas of archaeological interest) does not apply in Wales.

Do consultees agree?

13.11.1 No. We accept that this designation has not thus far been used in Wales and its provisions were drafted at a time when developer-funding was not the norm. However, we endorse the comment of the Planning Officers Society Wales (South East) that *'before deleting what appear to be obsolete areas of existing legislation, it might be worth asking whether they could be one day be revived to good purpose.'*

13.11.2 Other mechanisms which might be revisited to provide further protection for the historic environment (and in particular for undesignated historic assets) include 'sites of archaeological importance' as defined in the General Permitted Development Order.

18.11 We provisionally propose that the Code should include a power to require that expert evidence at inquiries and other proceedings (including appeals decided on the basis of written representations) to be accompanied by a statement of truth in accordance with the requirements of the Civil Procedure Rules in force for the time being. Do consultees agree?

18.11.1 Yes. Such a requirement would be consistent with ClfA's Code of conduct (see <http://www.archaeologists.net/sites/default/files/CodesofConduct.pdf>).

18.16 We provisionally consider that it would be helpful for the Bill to include a provision to the effect that the curtilage of a building is the land closely associated with it, and that the question of whether one structure is within the "curtilage" of a building is to be determined with regard to:

- (1) the physical 'layout' of the building and the structure;**
- (2) their ownership, past and present; and**
- (3) their use and function, past and present.**

Do consultees agree?

18.16.1 This acknowledges the *Calderdale* caselaw, but, to improve upon the current position, would need to go further. For instance, it would be helpful to require all new listings to define the curtilage for the building in question.

In summary, we conclude

- (1) that the merger of listed building consent with planning permission as described in the proposal would have far reaching unintended consequences which could result in the damage and loss of parts of our historic environment. The recent Historic Environment (Wales) Act 2016 revised heritage protection in Wales and has yet to fully implemented. It would seem premature further to revise planning law with respect to the historic environment until the Act has been sufficiently tested and the implications of Brexit have been fully established
- (2) that the review pays insufficient attention to the importance of the planning system in Wales for the management and protection of undesignated historic assets (and particularly those with archaeological interest) and fails to consider the effect of proposals upon them or whether other changes to the regime might be introduced better to manage and protect them.

We would be happy further to discuss the issues raised in this submission insofar as they affect the historic environment. In the meantime, if there is anything further that we can do to assist please do not hesitate to contact us.

Yours faithfully,

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APPENDIX

The Council for British Archaeology (CBA)

CBA is the national amenity society concerned with protection of the archaeological interest in heritage assets. CBA has a membership of 620 heritage organisations who, together with our thousands of members, represent national and local bodies encompassing state, local government, professional, academic, museum and voluntary sectors.

The Chartered Institute for Archaeologists

The Chartered Institute for Archaeologists (CIfA) is the leading professional body representing archaeologists working in the UK and overseas. CIfA promotes high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provides a self-regulatory quality assurance framework for the sector and those it serves.

CIfA has over 3,500 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.