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### **Consultation on Draft Planning Policy Wales: Edition 10<sup>1</sup>**

Dear Sir / Madam,

Thank you for the opportunity to contribute to the consultation on the revision of Planning Policy Wales. This response is submitted on behalf of the Chartered Institute for Archaeologists (ClfA) a professional body representing archaeologists working across the UK and overseas, the Council for British Archaeology (CBA) representing the public voice for archaeology, and the Federation of Archaeological Managers and Employers (FAME) the trade association for commercial archaeological organisations. Details of these bodies are provided in a separate appendix.

#### **Draft Planning Policy Wales: Edition 10**

##### **General comments**

ClfA welcomes Welsh Government's ambition to embed sustainable development at the heart of the Welsh planning system and to reflect it in all aspects of its planning policy. We feel that this draft does much to further that ambition and our detailed comments below should not in any way detract from our support for Welsh Government's constructive approach, recognising, as it does, the huge contribution of the historic environment to sustainable development.

In particular, we welcome:

- (1) the identification of the protection, promotion and conservation of the historic environment at the outset as a key consideration in sustainable development (see paragraph 1.7 and Key Planning Principle 5 on page 17 of the draft)
- (2) support for the plan-led system (see paragraph 1.16 of the draft)

- (3) the express endorsement of the precautionary and polluter pays principles (see paragraph 2.4 of the draft), particularly in the light of fears that administrations in the United Kingdom may dilute or even abandon such principles in the wake of Brexit
- (4) the attempt to provide clarity in policy through the use of simple and direct language.

### Specific consultation questions

**Question 1: Do you agree planning policy topics be clustered around themes which show their relationships with each other and the 7 well-being goals? If not, please explain why.**

1.1 Yes. Initial unfamiliarity with a significantly restructured document should not inhibit change. Nevertheless, it would be helpful at the outset to explain that, given the extensive inter-relationships between topics, distinctions can sometimes be arbitrary. For instance, the historic environment appears in section 5 (*Distinctive and Natural Places*) but could equally appear in other sections. While *Placemaking* is rightly identified as central to sustainable development, care needs to be taken to ensure that other topics are not regarded as unrelated and subsidiary.

**Question 2: Do you agree the introduction provides an adequate overview of the planning system in Wales and appropriate context? If not, please explain why.**

2.1 Yes.

**Question 3: Do you agree with the Planning Principles? If not, please explain why.**

3.1 Yes, save that (notwithstanding the reference to '*cultural resources*') it would be helpful to make clear in Key Principle 5 that the environment includes the natural and historic environment.

**Question 4: Do you agree with the definition of what is a 'Sustainable Place'? If not, please explain why.**

4.1 Yes, save that the text box under paragraph 2.9 of the draft might refer to the planning system creating Sustainable Places which are '*distinctive*' as well as the other attributes to which reference is made. This would more clearly reflect the protection, promotion and conservation of the historic environment helpfully referred to in the subsequent graphic.

**Question 5: Do you agree with high-level planning outcomes highlighted by People and Places: The National Placemaking Outcomes? If not, please explain why.**

5.1 Yes.

**Question 6: Do you agree with the search sequence outlined for the formulation of development plan strategies? If not, please explain why.**

6.1 Yes. We acknowledge the importance of the reuse of brownfield land but would like to see a caveat in paragraph 2.54 recognising that, by definition, brownfield land (having been the site of previous human activity) may have archaeological interest. This is partially recognised in paragraph 2.66 but archaeological interest is not confined to '*industrial heritage*' (although that is an important component).

**Question 7: Do you agree with our revised policy approach for the promotion of new settlements and urban extensions? If not, please explain why.**

7.1 No comment.

**Question 8: Do you agree with our revised policy approach to the preference for the reuse of previously developed land? If not, please explain why.**

8.1 Yes, save for the caveat expressed at paragraph 6.1 above.

**Question 9: Do you agree with our revised policy approach for the designation of Green Belts and Green Wedges? If not, please explain why.**

9.1 No comment.

**Question 10: Do you agree with the issues and inter-linkages highlighted in the introduction to the Active and Social Places chapter? What other issues and linkages could be identified to support this theme?**

10.1 Yes, save that the seven goals of the Well-being of Future Generation's Act omit *Vibrant Culture and thriving Welsh Language*. The following pages of the draft acknowledge the links between cultural opportunities and social well-being and health (see pages 41 and 42) and this should be recognised in the earlier text.

**Question 11: Do you agree that it is important for viability to be assessed at the outset of the plan preparation process and for this to be supported by an enhanced role for housing trajectories? If not, please explain why.**

11.1 Yes. It is crucial for viability assessments and housing trajectories to be realistic, otherwise over-provision for housing development will place unnecessary pressure upon the historic and natural environment.

**Question 12: Do you agree that it is important for a flexibility allowance to be included as a policy requirement in order to facilitate the delivery of planned housing requirements? If not, please explain why.**

12.1 It is important for there to be some flexibility, but over-provision can be as harmful as under-provision. Consequently, any flexibility needs to be clearly justified.

**Question 13: Do you agree that to deliver the new housing Wales needs it is necessary for local planning authorities to allocate a range of site sizes, including small sites, to provide opportunities for all types of house builder to contribute to the delivery of the proposed housing? If not, please explain why.**

13.1 No comment.

**Question 14: To ensure that small sites are allocated, should there be a requirement for a specific percentage (e.g. 20%) of sites to be small sites? If not, please explain why.**

14.1 No comment.

**Question 15: Do you agree that the custom and self-build sector can play an important role in housing delivery, in particular when linked to the use of Local Development Orders and design codes? If not, please explain why.**

15.1 No comment.

**Question 16: Do you agree that negotiating on an 'open book' basis would help to improve trust between the parties and facilitate the delivery of both market and affordable housing? If not, please explain why.**

16.1 Yes.

**Question 17: Do you agree with the changes to emphasise the need for the appropriate provision of community facilities when considering development proposal? If not, please explain why.**

17.1 Yes. In particular, we welcome the recognition in paragraph 3.102 of the draft that many community facilities are also historic assets.

**Question 18: Do you agree that giving greater emphasis to the transport hierarchy will improve the location and design of new development? If not, please explain why.**

18.1 No comment.

**Question 19: Do you agree that the policy will enable the planning system to facilitate active travel and the provisions of the Active Travel (Wales) Act 2013? If not, please explain why.**

19.1 No comment.

**Question 20: Do you agree that the policy will enable the creation of well-designed streets? If not, please explain why.**

20.1 No comment.

**Question 21: Do you agree with the requirement for non-residential development to have a minimum of 10% of car parking spaces with ULEV charging points? If not, please explain why.**

21.1 No comment.

**Question 22: Do you agree with the issues and inter-linkages highlighted in the introduction to the Productive and Enterprising Places chapter? What other issues and linkages could be identified to support this theme?**

22.1 Yes, although *'A Resilient Wales ... supported by Wales' tourism industry through our natural landscapes'* in paragraph 4.7 of the draft could also refer to historic landscapes and other historic assets.

**Question 23: Do you agree with the changes to Telecommunications section of the draft PPW? If not, what other changes could be made to clarify the situation? If not, please explain why.**

23.1 No comment, save that the reference in paragraph 4.23 of the draft to *'taking in to account the status of protected areas, and amenity considerations to protect what is valued most in our communities and environment'* should be broadened to refer to all historic assets.

**Question 24: Do you agree with the location of the transport infrastructure section in the Productive and Enterprising Places chapter? If not, please explain why.**

24.1 No comment.

**Question 25: Do you agree with the new requirements for local renewable energy planning as set out in the draft PPW? If not, please explain why.**

25.1 No comment, save that we welcome the reference in paragraph 4.125 of the draft to the need for local authorities to *'take into account the environmental, social, cultural and economic impacts [as well as] opportunities from renewable and low carbon energy development'*. Welsh Government also needs to take such impacts into account when considering any further extension of permitted development rights to carry out related development.

**Question 26: Do you agree with the use of the energy hierarchy for planning as contained in the draft PPW? If not, please explain why.**

26.1 No comment.

**Question 27: Do you agree with the approach taken to coal and onshore oil and gas as contained in the draft PPW? If not, please explain why. Please consider each source separately.**

27.1 No comment.

**Question 28: Do you agree with the approach taken to promoting the circular economy and its relationship to traditional waste and minerals planning as contained in the draft PPW? If not, please explain why.**

28.1 No comment.

**Question 29: Do you agree with the issues and inter-linkages highlighted in the introduction to the Distinctive and Natural Places chapter? What other issues and linkages could be identified to support this theme?**

29.1 Yes. We particularly endorse paragraph 5.11 of the draft and feel that the reference in paragraph 5.8 of the draft to achieving a healthier Wales *'by enabling opportunities for connecting with the natural environment'* could also refer to the historic environment.

**Question 30: Do you agree with the approach taken to landscape, biodiversity and green infrastructure? If not, please explain why.**

30.1 Yes. We particularly support the continuing focus in the draft on landscapes and the clear indication in paragraph 5.23 that in some cases *'where adverse effects on*

*landscape character cannot be avoided, it will be necessary to refuse planning permission’.*

30.2 However, the reference in paragraph 5.22 of the draft to protecting the value of landscapes for their natural beauty needs to be balanced by reference to their historic significance. The reference to relevant stakeholders earlier in the paragraph might also usefully include Cadw.

**Question 31: Do you agree with the approach taken to distinctive coastal? If not, please explain why.**

31.1 No comment.

**Question 32: Do you agree with the approach taken to air quality and soundscape? If not, please explain why.**

32.1 No comment, save that we welcome the recognition in this section of the draft of the effect of sound upon the enjoyment of historic assets.

**Question 33: Do you agree with the approach taken to water services as contained in the draft PPW? If not, please explain why.**

33.1 No comment.

**Question 34: Do you agree with the approach taken to addressing environmental risks and a de-risking approach? If not, please explain why.**

34.1 No comment.

**Question 35: Do you agree that other than those policy statements referred to in Questions 1 to 33 above, the remainder accurately reflect the existing policy? If not, please explain why.**

35.1 The following answer relates to the policy in the draft relating to the historic environment (paragraphs 5.76 to 5.106) and addresses (1) where that policy may not fully and accurately reflect policy in Chapter 6 of the current Planning Policy Wales: Edition 9 and (2) where that policy (whether accurately reflecting Edition 9 or not) might be improved.

35.2 The draft has departed from Edition 9 in reversing the treatment of plan-making and development management. Paragraph 5.103 deals with plan policies after development management. It would be more logical to deal with plan-making prior to development management as is the case in Edition 9.

35.3 As to content, we strongly support the continuing recognition of the value and fragility of the historic environment and the significance-based approach to the sustainable management and protection of the historic environment advocated in the draft, based largely upon Conservation Principles for the Sustainable Management of the Historic Environment in Wales (2011). However, we would still 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.

35.4 It would also be helpful tightly to define historic assets along the following lines:

*‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its historic interest’*

Such a definition would help to avoid the ambiguity of such references as that in paragraph 2.25 of the draft to ‘important features’ of the historic environment. Instead reference could simply be made to historic assets (to be conserved in a manner appropriate to their significance).

35.5 Although paragraphs 5.77 and 5.78 of the draft provide some information about historic assets and archaeological remains, some of the detail in Edition 9 is lost. For instance, the reference in paragraph 6.4.6 of Edition 9 to archaeological remains surviving both above and below ground is lost. Furthermore, the reference in paragraph 5.78 of the draft to ‘The most important historic assets [having] statutory protection’ is inconsistent with the statement in paragraph 6.4.7 of Edition 9 that ‘Not all nationally important remains meriting preservation will necessarily be designated as scheduled monuments’. That inconsistency could be addressed by stating that ‘The most important historic assets often have statutory protection’ [my underlining], but it would also be helpful briefly to explain that the vast majority of historic assets receive their only protection through the planning system.

35.6 We welcome the inclusion of paragraph 5.102 in the draft specifically relating to Historic Environment Records and the statement that ‘These records must be used as a key source of information in making planning decisions affecting the historic

*environment.*' However, the reference to their use '*in the formulation of development plans*' has been lost from paragraph 6.4.3 of Edition 9. For the avoidance of doubt, it would be helpful to insert those words into paragraph 5.102 of the draft.

35.7 Paragraph 5.102 should also emphasise that a Historic Environment Record is not simply a repository, but through the Welsh Archaeological Trusts provides advice and assistance in retrieving and understanding information pursuant to a statutory duty.

35.8 Although we are heartened to see the key requirement for archaeological desk-based assessment and/or field evaluation repeated in paragraph 5.101 of the draft, important aspects of policy (set out in paragraphs 6.5.6 and 6.5.7 of Edition 9) have been omitted and should be re-instated. These include:

(1) the need for assessment and evaluation to be conducted and information to be provided to the relevant CIfA Standard and guidance ([https://www.archaeologists.net/sites/default/files/CIfAS%26GDBA\\_3.pdf](https://www.archaeologists.net/sites/default/files/CIfAS%26GDBA_3.pdf) and [https://www.archaeologists.net/sites/default/files/CIfAS&GFieldevaluation\\_1.pdf](https://www.archaeologists.net/sites/default/files/CIfAS&GFieldevaluation_1.pdf))

(2) the need for local planning authorities to consider refusing permission for an inadequately documented proposal

(3) the identification of conditions or obligations as key mechanisms to secure public benefit (by contrast, for example, with paragraph 5.58 which deals with conditions relating to the natural environment and paragraph 5.198 which deals with conditions relating to land contamination) and

(4) the need for a written scheme of investigation (WSI) where archaeological work is to be carried out and for necessary works to be carried out by '*competent expert archaeologists*' to the relevant CIfA Standard and guidance ([https://www.archaeologists.net/sites/default/files/CIfAS&GWatchingbrief\\_2.pdf](https://www.archaeologists.net/sites/default/files/CIfAS&GWatchingbrief_2.pdf) and [https://www.archaeologists.net/sites/default/files/CIfAS&GExcavation\\_1.pdf](https://www.archaeologists.net/sites/default/files/CIfAS&GExcavation_1.pdf).)

Other detailed provisions contained in paragraphs 6.5.6 and 6.5.7 should be repeated in supporting policy or guidance.

35.9 Similarly, detailed provision has been lost from paragraphs 6.5.8 and 6.5.9 of Edition 9. Although some of this detail might be reproduced in supporting guidance, it is appropriate in policy to acknowledge the challenges provided by previously undiscovered archaeological remains and the need, in appropriate circumstances, to obtain scheduled monument consent.

**Question 36: Are there any existing policy statements in PPW Edition 9 which you think have not been included in the draft of PPW Edition 10 and you consider should be retained? If so, please specify.**

36.1 Please see under question 35 above.

We look forward to continuing to work with Welsh Government and other stakeholders in the formulation of policy and guidance for the historic environment. In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,

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<sup>1</sup> <https://beta.gov.wales/planning-policy-wales-edition-10>

## 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 more than 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.

### Federation of Archaeological Managers and Employers (FAME)

FAME is the trade association for archaeological employers and managers. FAME represents one in three archaeological practitioners, employing the majority of archaeologists across the UK. Its membership includes over 50 archaeological practices, from small consultancies to all the largest contractors, from commercial companies, universities and local authorities across England, Scotland and Wales. In addition to representing its members' interests in matters of policy, its aims are to foster an understanding of archaeology across the construction and development sector and promote best professional practice, training and development, and a safe and healthy work environment.