



SOCIETY OF ANTIQUARIES OF LONDON

Burlington House

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The Law Commission

1st Floor,
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Dear Sirs

Planning Laws in Wales

The Society of Antiquaries of London is a learned fellowship founded in 1707 for the encouragement, advancement and furtherance of the study and knowledge of the antiquities and history of this [the United Kingdom] and other countries. It has a Policy Committee, established for the specific purpose of coordinating and responding consistently to matters of public consultation or debate relevant to the Society. The Society also supports regional groups of Fellows, amongst which the Welsh group is one of the most active, with a strong commitment to the appreciation of the heritage resource of the country.

On behalf of the Society, the Policy Committee has carefully considered and discussed the Consultation Paper on Planning Law in Wales focussing primarily, of course, on Chapter 13: affecting listed buildings and conservation areas. We have knowledge both of the specific interests of heritage in Wales and relevant comparable experience elsewhere in the UK.

In response to Question 5-4, we strongly support the proposal, as drafted, to require give statutory recognition to desirability of preserving or enhancing all designated historic assets and their settings, not least World Heritage Sites.

While we understand the concerns that the most substantial practical proposal of the document, concerning the merger of Planning Permission, Listed Building Consent and Conservation Area Consent into one consent, could be perceived as de-prioritizing and downgrading the legal protection of heritage assets under Planning Law, we are reassured by the repeated and unambiguous assurance and indeed emphasis that no diminution of protection is intended. We therefore cautiously support the proposal put at Question 13-1, and therefore the consequential proposals at Questions 13-1 to 13-8.

We would, however, strongly advocate that the express commitment to maintaining effective heritage protection should be conditional on it being given substance by including an explicit requirement that in considering applications for development involving heritage assets (buildings and sites), planning authorities must seek and take account of specialist heritage conservation advice, and therefore must also have access to such advice on an established basis. This would then be consistent with the placement of Sites and Monuments Records (SMRs) on a statutory basis under the Historical Environment Act (Wales) (2016).

In relation to the Question 13-11, the proposal to abolish the power to designate Areas of Archaeological Importance (AAIs) and the associated procedures occasioned considerable discussion. The key positions pro and con are:

1. If the power had practically never been used, and there is no prospect of it being employed, it might as well be abandoned;
2. There is, however, evidence that the English cities where AAIs had been designated had found this of real value and effect. Designation helps prevent important archaeological sites from being damaged or destroyed without at least allowing for some investigation and recording first, where the works are concerned are not 'development' under S55(2) of the 1990 Town and Country Planning Act, and so outwith the scope of archaeological planning policies, notably excavations for utility services, such as water and gas pipes in streets. Furthermore, the unauthorised use of a metal detector in archaeological areas is an offence.

This does not amount to a recommendation that the power should be kept, but we would nonetheless advise the Minister to consider whether some Welsh equivalent of AAI status would not be desirable in place of simple abolition of the designation and its objectives.

Thank you for your attention to these comments.

Yours faithfully,



