



Accelerated Planning System Consultation  
3rd Floor  
Fry Building  
2 Marsham Street  
LONDON  
SW1P 4DF

1<sup>st</sup> May 2024

Dear Sir/Madam,

### **An accelerated planning system: consultation May 2024**

Thank you for the opportunity to comment on the above consultation. I am responding on behalf of the Association of Local Government Archaeological Officers, as Convener of the Planning and Legislation Sub-committee for ALGAO England. The Association (ALGAO) is the national body representing local government archaeology services at County, District, Metropolitan, Unitary and National Park authority level. These provide advice to nearly all the District, Unitary and other local government bodies in the country.

ALGAO: England co-ordinates the views of its member authorities (92 in total) and presents them to government and to other national organisations. It also forms the Special Interest Group for Archaeology for the Local Government Association. The range of interests of our members embraces all aspects of the historic environment, including archaeology, buildings and the historic landscape, and our stated aims are to:

- Provide a strong voice for local authority historic environment services and promote these to strengthen and develop their role within local government in delivering local and national government policy.
- Ensure local government historic environment services are included within policy (national and local) for culture and education.
- Ensure that policy aims to improve the sustainable management of the historic environment.
- Promote the development of high standards in the historic environment profession.

ALGAO would like to make the following responses to the 'An accelerated planning system' consultation questions:

**Question 1.** Do you agree with the proposal for an Accelerated Planning Service?

No.

We are concerned that applicants may not engage with the pre-application process and submit inappropriate applications. This would increase resource requirements for consultees and planning authorities and could lead to an increase in refused applications. There is also the question of how this will be resourced, it is unlikely to be achievable under current resource capacity and would require significant investment at officer level amongst consultees as well as planning authorities. It is likely to lead to more refusals on archaeological grounds, due to a lack of time to provide appropriate levels of supporting information or carry out essential surveys/evaluations. Alternatively, it may result in an increase in approval of planning applications against the advice of statutory consultees, with consequent harm to the historic environment.

**Question 2.** Do you agree with the initial scope of applications proposed for the Accelerated Planning Service (Non-EIA major commercial development)?

Don't know.

This may exacerbate an existing problem of archaeological processes being cut short due to insufficient time before determination which leads to an increased likelihood of there being unresolved items in a statement of common ground. On many sites landowner access is problematic, particularly on farmland where harvest times need to be considered and/or on other green spaces where there are ecological considerations, or in urban areas where land is in use for other purposes, all of which delay access to site to undertake necessary archaeological evaluations. Increasing time pressure would aggravate this further.

**Question 3.** Do you consider there is scope for EIA development to also benefit from an Accelerated Planning Service?

No.

Large and complex archaeological programmes are often needed for these developments to provide appropriate information to inform the application and appropriately mitigate the impact on the historic environment; they are therefore not suitable for an accelerated planning service. From an archaeological perspective, the current EIA process already constricts the time available for full and appropriate evaluation techniques to be undertaken prior to determination, compressing this ability further risks more EIA applications being rejected due to insufficient information or applications being granted without due consideration of the historic environment.

**Question 4.** Do you agree with the proposed exclusions from the Accelerated Planning Service – applications subject to Habitat Regulations Assessment, within the curtilage or area of listed buildings and other designated heritage assets, Scheduled Monuments and World Heritage Sites, and applications for retrospective development or minerals and waste development?

Yes.

The exclusion should also be extended to include “non-designated heritage assets of archaeological interest of equivalent significance to Scheduled Monuments” as these are expected to be treated in the same way as Scheduled Monuments according to the NPPF 2023 (paragraph 206b footnote 72). Designation as a Scheduled Monument is partly a management decision with many significant archaeological

remains not being scheduled and development impacts being managed through the planning process.

We would also recommend extension to include sites with archaeological potential as assessed by the historic environment advisors to the local planning authority.

Also as noted above, archaeological assessment and field evaluation usually requires more time to organise and report than the proposed 10-week determination period so there is a risk of initially poorly documented applications being refused because of insufficient information just to meet the deadline.

**Question 5.** Do you agree that the Accelerated Planning Service should:

a) have an accelerated 10-week statutory time limit for the determination of eligible applications

No. If not, please confirm what you consider would be an appropriate accelerated time limit.

A ten-week determination period is unachievable for many applications on archaeological grounds if an applicant has not already completed all necessary surveys, such as trial trenching, before submission. If the LPA (and by extension their archaeological advisors) deem that the submitted information is insufficient, the applicant will not have enough time to carry out additional surveys. Therefore, insufficient archaeological information supplied by the applicant would effectively require a refusal, and submission of a new, future, application, rather than extension of time as currently.

b) encourage pre-application engagement

Yes.

Pre-application engagement would be essential if these changes are made and would need to include consultees including local authority historic environment advisors not just planning officers.

c) encourage notification of statutory consultees before the application is made

Yes.

Early engagement with consultees would be essential. Investment in the advisory sectors as well as in planning teams would be required to provide adequate resource.

**Question 6.** Do you consider that the fee for Accelerated Planning Service applications should be a percentage uplift on the existing planning application fee?

Don't know.

Any fee uplift is unlikely to be sufficient to cover the resultant shortfall in resourcing for statutory consultees that accelerated timescales would be likely to cause. Fee increases would need to appropriately resource the advisory sector and an expansion of the workforce would be required.

**Question 7.** Do you consider that the refund of the planning fee should be:

None of the above.

Introducing refunds may encourage submission of sub-standard applications, creating a potential drain on LPA resource.

**Question 8.** Do you have views about how statutory consultees can best support the Accelerated Planning Service?

Please explain.

The applicant should be required to seek early pre-application engagement with consultees to ensure that appropriate information on the historic environment is submitted with the application. Ten weeks is unlikely to be long enough to carry out and report on field evaluation archaeological works, so these are more likely to need to be undertaken prior to an application being submitted. If not, there may be delays in determination or an increase in refusal of applications.

An accelerated planning system would require further refinement of the validation process so that checks could be made for appropriate information before an application is validated. NPPF paragraph 200 states that 'As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary' but the quality of this information is not usually checked at validation.

The validation process would need to be improved so that it is clear that the local Historic Environment Record must be consulted, and pre-application advice sought - failure to do so should be grounds for refusing to validate Accelerated Planning Service applications.

**Question 9.** Do you consider that the Accelerated Planning Service could be extended to:

a. major infrastructure development

No

b. major residential development

No

c. any other development

Don't know.

**Question 10.** Do you prefer:

c. neither

**Question 11.** In addition to a planning statement, is there any other additional statutory information you think should be provided by an applicant in order to opt-in to a discretionary Accelerated Planning Service?

There would need to be mandatory pre-application engagement and validation requirements for an Accelerated Planning Service – see answers to 1, 2, 4, 5 and 8 above.

**Question 12.** Do you agree with the introduction of a new performance measure for speed of decision-making for major and non-major applications based on the proportion of decisions made within the statutory time limit only?

No

This may encourage the determination of sub-standard applications, and therefore increase the number of refusals on archaeological grounds. Alternatively, it may increase the approval of planning applications against the advice of statutory consultees, with consequent harm to the historic environment.

**Questions 13 - 26** No comment

**Question 27.** Do you have any further comments on the scope of the guidance?

The term 'substantially different' in paragraph 4 is potentially problematic from a historic environment perspective, if said broadening of the scope for variation included the ability to alter the redline boundary of the development or substantially change below ground impact that might affect archaeological remains.

Archaeological conditions are partially pre-commencement, therefore under current guidelines it is possible for an archaeological condition to be discharged in full prior to the submission of a 73B. Major variations in the scope of the development could result in a requirement for application of an additional archaeological condition, causing further potential expense and delay.

**Questions 28 -35.** No comment

We would be pleased to discuss any of the above in more detail and to take part in sector discussions if proposed.

Yours sincerely



Lis Dyson  
Convener Planning and Legislation Committee  
ALGAO England