

## PROPOSED REFORMS TO THE STATUTORY CONSULTEE SYSTEM

### CHESTER ARCHAEOLOGICAL SOCIETY COMMENTS

#### 1.0 Introduction

- 1.1 The Chester Archaeological Society concerns itself with the archaeology, history and historical architecture of the pre-1974 county of Cheshire and adjoining areas. It routinely responds to consultations on proposed developments in the city of Chester – their impact on buried archaeology, historical monuments, buildings, conservation areas, green spaces and their settings; it also comments on relevant borough-wide and national policies, eg local plans, transport strategies and *NPPF*. We always aim to take a constructive and practical approach, showing how heritage assets can improve the quality of new developments, and responses are submitted by the required deadline. Our arguments below are based on thirteen years' worth of responses, all of which can be found online on the [Advocacy](#) page of our website.
- 1.2 Our response to this consultation is limited to three topics: the proposed removal of the Gardens Trust as a statutory consultee; reducing the workload of Historic England (HE); and strengthening local planning authorities (LPAs).

#### 2.0 Summary Position and Justification

- 2.1 We oppose the removal of the Gardens Trust as statutory consultee and the reduced oversight of Historic England *re* Grade II Listed Buildings and conservation areas.
- 2.2 We strongly support better resourcing and expertise in LPAs. However, these resources should be devoted to proactive forward planning in partnership with residents and consultees, in the form of binding masterplans and design codes in accordance with *NPPF*, rather than just trying to make a streamlined version of the present reactive development control system work more quickly.
- 2.3 In our experience, it is not the process of seeking views from statutory and other consultees that hinders the making of speedy planning decisions: it is the failure to properly resource LPAs so as to be able to make decisions in a reasonable time; the lack of clarity/precision in local plans as to what sort of development is acceptable and where, and their inconsistent application and consequent lack of weight. This encourages sub-standard schemes that inevitably give rise to post-application objections. At best, LPA officers have to devote much time to securing changes that produce marginally acceptable developments, and at worst the gates are opened to appeals against refusal, frequently upheld by government planning inspectors, for schemes that contradict local and national policies and guidance (eg the construction of housing on floodplain in the Blacon area of Chester).
- 2.4 Planning officers also waste much time considering speculative schemes that do not come to fruition, may turn out to be short-lived, and may not be what communities require. In Chester, over the past thirteen years we have witnessed a fashion for student accommodation, which has now burnt itself out with one block currently vacant, to be followed by another fashion for hotels; the case planning officer stated that there is no apparent demand for hotels but that this could not be used as grounds for refusal, and several schemes have been consented but not started, effectively causing planning blight.

### **3.0 The Value of the Historic Environment**

- 3.1 The historic environment comprises archaeological remains, standing buildings and green space/the biocultural environment. Among other things, these have value in adding character and identity to communities; reducing climate change and mitigating its impacts; providing opportunities for recreation, exercise and improving mental health; and providing resources, ideas and models for building a better future. They should be regarded as inherited 'capital' to be built on in future developments, not a constraint that needs to be balanced and traded off against other considerations in a basically adversarial system.

### **4.0 Analysis of Proposed Changes**

#### **4.1 *Gardens Trust (Questions 6–7)***

- 4.1.1 We oppose the removal of the Gardens Trust as statutory consultee (**Question 6**).

- 4.1.2 We support the objections put forward by the Cheshire Gardens Trust. Removing the Gardens Trust as a statutory consultee would be a self-inflicted loss of local expertise in the interests of bureaucratic tidiness, especially as the availability of expertise in Historic England and LPAs to fill the gap has not been demonstrated (**Question 7**).

- 4.1.3 Removing the Gardens Trust as a statutory consultee will also inevitably be seen as a weakening of the importance attached to Grade II gardens, which the Cheshire Gardens Trust state make up two-thirds of registered parks and gardens in the county. The importance of local green space to physical and mental health is increasingly recognised, and the role of the Gardens Trust in championing this and making constructive contributions should be valued as an example of democratic engagement and active citizenship. We note that the Cheshire Gardens Trust state that they respond to consultations within the stated deadline, but that their responses are sometimes hampered by the lack of necessary information from applicants (**Question 7**).

- 4.1.4 We are particularly concerned about the proposal not to notify the Gardens Trust about developments outside the boundaries of parks and gardens, on the grounds that LPAs will take setting into account in accordance with *NPPF*. In our experience of responding to consultations *re* the built environment, setting is easily overlooked, both in practical and aesthetic terms, and we see no reason to assume that it would be taken into account in the case of parks and gardens (**Question 7**).

#### **4.2 *Historic England (Questions 17–19)***

- 4.2.1 We oppose the proposed Historic England notification criteria (**Question 17**).

- 4.2.2 It is proposed that HE should no longer be notified about works (excluding total demolition) affecting Grade II Listed Buildings, given that they currently only comment on 13% of these, and the matter be left entirely to LPAs. The HE website states that there are over 370,000 Listed Buildings in England, of which almost 92% (c 340,400) are Grade II. These buildings thus play a major role in determining the quality of the built environment. We do not consider it prudent that their fate, in terms of possible inappropriate modification, should be left to LPAs alone, the more so as those giving the specialist advice (often under-resourced) are not the decision-makers. We therefore believe that HE should continue its role as an 'invigilator', and it should be considered whether the current HE response rate reflects what they think appropriate or is the result of prioritisation in the face of inadequate resources (**Question 19**).

- 4.2.3 It is also proposed that the threshold for the notification to HE of development in conservation areas should be raised from 1000m<sup>2</sup> to 2000m<sup>2</sup>. Like Grade II Listed Buildings, conservation areas play a major role in the quality of the built environment and should serve as inspiration for building better places in the future. We therefore again consider it essential that LPAs can count on HE as an independent check to validate decisions and should like to see HE encouraged not to shy away from providing more robust comments that serve to improve the quality of developments **(Question 19)**.
- 4.3 *The Role of Local Planning Authorities (Questions 27–31)*
- 4.3.1 We agree with the proposed approach in part. We welcome the recognition that LPAs need greater funding and greater expertise. However, we are concerned about the statement that ‘advice from statutory consultees should be framed as advice, and it is up to the decision-maker to weigh this against other material considerations’, without the supposed public benefits of developments being convincingly justified. In Chester we have glaring examples of exceptionally well preserved, in one case unique, Roman archaeology that were sacrificed in the 1960s on the altar of urban renewal to enable a development that has since been judged inappropriate to its location and is already at the end of its life. It should always be remembered that, in the case of the historic environment, ‘once it’s gone it’s gone forever’. A much longer-term perspective is needed **(Question 27)**.
- 4.3.2 To support the meaningful engagement of LPAs with statutory consultees (and others, including communities/stakeholders affected), the government should insist on their taking a proactive role in the preparation of masterplans and design codes for areas likely to be (re-) developed before planning applications are received. In that way, the expertise and interests of consultees can underpin the design of new developments rather than be accommodated as an afterthought **(Question 28)**.
- 4.3.3 An example of good practice in the field of the historic environment is the *Chester Archaeological Plan* and its supporting documents, prepared by the Cheshire Archaeology Planning Advisory Service (APAS) with guidance and funding from Historic England and serving as an Evidence Base document for the current Cheshire West and Chester *Local Plan*. The *Chester Archaeological Plan* sets out clearly the archaeological character and significance of the city, area by area, its vulnerability to development, the treatment that remains should receive (eg preservation *in situ* through bespoke foundation design), and a flow chart setting out the procedures that developers should follow in relation to the planning application process (eg early consultation with APAS, securing desk-based assessments, followed by trial trenching, a programme of excavation, and publication as necessary). Key to the success of the *Chester Archaeological Plan* are its clarity about the archaeological outcomes to be achieved and the procedures to be followed, and the fact that developments can be designed accordingly with confidence **(Question 29)**.
- 5.0 Recommendation**
- 5.1 We are sceptical in the extreme about the potential of the reforms that we have reviewed here to speed up the planning process and deliver high-quality developments of long-term public benefit. By contrast, it is easy to see how they may well lead to worse outcomes.
- 5.2 From the point of view of the historic environment (archaeology but particularly standing buildings and the biocultural environment), radical overhaul of the planning

system is needed, not 'streamlining'. The present system of development control is reactive and leaves the initiative with external developers. Planning policies and guidance are applied inconsistently, inevitably creating an adversarial situation.

- 5.3 What we should like to see instead is a system of proactive forward planning, initiated by LPAs, in partnership with residents and drawing on the expertise of consultees (statutory and otherwise) (**Question 31**), that treats the historic built and biocultural environment as capital, not a constraint, and builds on its potential through binding masterplans and design codes that give reassurance to residents and 'ownership' of what can be built in their areas and certainty to developers that compliant schemes will be approved without undue delay or challenge. This is in accordance with the December 2025 draft of *NPPF*, policies DP2 and DP3. We should like to emphasise here that pre-application discussions between developers and planning officers are no substitute if not backed up by binding requirements, as in our experience vague guidance is too easily negotiated away. The clarity, precision and thoroughness of the Chester Archaeological Plan may serve in a small way to show what is required (**Question 28**).

**Dr P Carrington FSA**

*Chair, Chester Archaeological Society*

10 January 2026