

Consultation on a proposal for regulations required by the Historic Environment (Wales) Act 2016 and four guidance documents

Consultation response form

Since this consultation treats a range of topics relating to the historic environment, you may find that some of the following questions fall outside your interest or experience. Therefore, please feel free to answer as many or as few of the questions as you like.

Please return this form to reach the Welsh Government no later than 13 January 2017.

If you have any questions, please email:

historicenvironmentleg@wales.gsi.gov.uk

or telephone:

01443 336091 / 01443 336090

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Date	13 January 2107	
Name	Dr Christine Hugh-Jones (Secretary)	
Organisation	Campaign for the Protection of Rural Wales Brecon and Radnor Branch	
Address	Cooks House, Norton, Presteigne, LD8 2HA	
Email address	Ch306@icloud.com	
Telephone	01544 260839	
Type <i>(please select one from the following)</i>	Individual	
	Business	
	Local planning authority	
	Government agency/Other public sector body	
	Professional body/Interest group	
	Voluntary sector: independent charity/rural Wales	✓
	Other group not listed above	

Confidentiality — Responses to consultations may be made public on the internet or in a report.	
If you do not want your name and address to be shown in any documents that we produce, please indicate here	
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A. Proposal for regulations under the Historic Environment (Wales) Act 2016 to set out procedures for a review of a decision to designate a scheduled monument or listed building

Grounds for review

Q1.	Do you agree with the grounds of review for designations of scheduled monuments?		
	Yes		No
Comment			

Q2.	Do you agree with the grounds of review for designations of listed buildings?		
	Yes		No
Comment			

When and how should a review application be made?

Q3.	Do you agree that a request for a review should be made within 3 months of receipt of a notice of designation?		
	Yes		No
If not, what timescale would be appropriate?			

Q4.	Should any other information be required in the review application?		
	Yes		No
If yes, please specify.			

Review procedures

Q5.	Do you believe that the procedures outlined are reasonable and fair for all involved in designation reviews?		
	Yes		No
If not, how could they be improved?			

Award of costs

Q6.	Do you agree with the measures proposed for the award of costs to deter unreasonable behaviour in designation reviews?		
	Yes		No
If not, how could they be improved?			

B. Draft statutory guidance for certain public bodies — *Historic Environment Records in Wales: Compilation and Use* — as required by the Historic Environment (Wales) Act 2016

Q7.	Does the draft statutory guidance, <i>Historic Environment Records in Wales: Compilation and Use</i>, clearly set out the roles and responsibilities of the relevant public bodies?		
	Yes		No
How could this section be improved?			
<p>The document sets out what is desirable on the part of Local Authorities without stipulating that these are responsibilities which <u>must</u> be undertaken as part of the Local Authority's responsibilities under the Historic Environment (Wales) Act. If the objectives of the Act are to be fulfilled, the guidance needs to set out very clearly what must, rather than what might be the role of Local Authorities.</p>			

Q8.	Does the draft statutory guidance, <i>Historic Environment Records in Wales: Compilation and Use</i>, give the relevant public bodies adequate guidance on how they may contribute to the compilation of historic environment records?		
	Yes		No
How could this section be improved?			

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While this section offers encouragement to Local Authorities to contribute to the Historic Environment Record, it does not offer clear guidance on mechanisms. Local Authorities should be encouraged to promote recommendations from the public, relevant local environmental organisations and interest groups to a suitably qualified officer, such as a Landscape Officer or Built Heritage Officer.

Local Authorities should also be specifically reminded of the desirability of having suitably qualified officers in these roles such that this function, as well as support to Development Management etc., is fulfilled. Without qualified personnel Local Authorities cannot carry out these duties and the objectives of the Historic Environment (Wales) Act 2016 are incapable of being achieved.

Q9.	Does the draft statutory guidance, <i>Historic Environment Records in Wales: Compilation and Use</i>, clearly set out how the relevant public bodies should use the historic environment records in the exercise of their functions?		
	Yes		No
How could this section be improved?			
<p>This section could be improved by strengthening the recommendation that ‘Local planning authorities should take account of the information held in the historic environment record for the local authority area in the determination of planning applications’. If the information within the Historic Environment Records is to be consistently and effectively used by Local Authorities to inform ‘proper consideration of the impact of a proposal on the historic environment’ then this must be set out to be a material planning consideration. It should be incorporated into Planning Policy Wales so that it would not need repeating in an LDP. It should also be taken into account in Supplementary Planning Guidance as appropriate.</p>			

C. Draft best-practice guidance: *Managing Listed Buildings at Risk in Wales*

Q10.	Will the draft guidance, <i>Managing Listed Buildings at Risk in Wales</i>, support the more effective management of historic buildings at risk?		
	Yes		No
How could it be improved?			

Q11.	Does the advice on condition, use and ownership contained in the draft guidance, <i>Managing Listed Buildings at Risk in Wales</i>, cover the key issues?		
	Yes		No
If not, what is missing?			

D. Draft best-practice guidance: *Managing Change to Registered Historic Parks and Gardens in Wales*

Q12.	Does the draft guidance, <i>Managing Change to Registered Historic Parks and Gardens in Wales</i>, clearly explain the implications of owning a historic park or garden included in the statutory register?		
	Yes		No
How could it be improved?			

Q13.	Will <i>Managing Change to Registered Historic Parks and Gardens in Wales</i> help owners and their agents to manage historic parks and gardens to achieve high-quality, sensitive change?		
	Yes		No
How could it be improved?			

E. Draft best-practice guidance: *Managing Historic Character in Wales*

Q14.	Does the draft guidance, <i>Managing Historic Character in Wales</i>, clearly explain what historic character is?		
	Yes		No
How could it be improved?			
The definition of 'historic character' needs to include the integrity of the setting of historic buildings and scheduled ancient monuments, also the settings of historic buildings and sites which are not designated but nevertheless contribute to 'historic character' and to the visual integrity and historic interpretation and meaning of a landscape; sightlines between ancient monuments; historic routes such as drove roads in addition to the transport			

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infrastructure mentioned and the landscapes through which they pass.

Q15.	Does the draft guidance, <i>Managing Historic Character in Wales</i>, give sufficient information to support the effective management of historic character?		
	Yes		No

If not, what is missing?

We reiterate that the physical aspects of historic character should be given adequate weight in the planning process. This could be accomplished by the positive encouragement of local authority contribution to the Historic Environment Records (see Question 7), which are then a resource to be used in the Development Management function. Whilst it is made clear in Annex 1 that Local Authorities have a responsibility to contribute to the Historic Environment Records, there is perhaps insufficient guidance for authorities on the mechanisms and the ways in which an Authority might use and encourage reports from members of the public and local interest groups.

We are somewhat alarmed by the plethora of different policy initiatives and do not know how Area Statements, LDPs, SPG and Place Plans will work together in practice to improve recognition and enhancement of the Historic Environment. Will recognition of Historic Character become such a fraught and complicated matter that decision makers will find it easier not to address it at all?

Area Statements from NRW are poorly described. It is not clear what these are, what subject matter they cover, what standing they have and what practical function they are intended to have in decisions making, particularly planning. Now that there has been such radical restructuring of the organisation, does NRW have staff with sufficient experience in historic environment matters and direct experience of local areas of Wales? Will Area Statements be subject to public consultation and stakeholder review?

It is also difficult to see how local councils, operating under financial constraint, will develop Place Plans and ensure that these have community endorsement.

Additional comments

Q16.	We have asked a number of specific questions. If you have any related issues that we have not specifically addressed, please raise them here.
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CPRW Brecon & Radnor Branch welcomes the intention to respect the historic character and those characteristics including historic landscapes which make up historic character. We feel that this aspiration will remain

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simply an aspiration unless Local Authorities are required to see this as an important part of their function and a fundamental component of Development Management.

Local Authorities should be reminded of the desirability of maintaining inhouse expertise e.g. suitably qualified Landscape and Built Heritage officers to achieve these functions.

How to respond

Please submit your comments by 13 January 2017 by email or post.

Email

Please send the consultation form to:

historicensvironmentleg@wales.gsi.gov.uk

[Please include '**Consultation on historic environment regulations and guidance 2**' in the subject line.]

Post

Please send the consultation form to:

Regulations and Guidance Consultation 2
Legislation and Policy Team
Historic Environment Service (Cadw)
Welsh Government
Plas Carew
Unit 5/7 Cefn Coed
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