

The future of our past: Consultation response form

Your views on the proposals set out in this consultation document will make a vital contribution to the further development of the Heritage Bill. Since the consultation treats a wide 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 11 October 2013.

The email address for responses or queries is:

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Postal responses should be sent to:

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2 Identifying significance

Identifying and protecting historic assets of national significance

Scheduled ancient monuments

- P1** To allow the Welsh Ministers to designate sites that provide evidence of past human activity, including artefact scatters and other archaeological deposits devoid of structures or works.

Q1 Do you agree with proposal P1?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
This should apply to maritime sites so that there is the same approach underwater as there is on land.			

Listed Buildings

- P2** To allow new list entries to state definitively that a particular part or feature of a listed building or a structure attached to it or within its curtilage is not of special architectural or historic interest, and therefore is not designated.
- P3** To relax the rules governing the issue of certificates of immunity from listing so that applications could be made at any time.

Q2 Would proposal P2 improve the existing system for the designation of listed buildings?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			

Q3 Do you agree with proposal P3?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			

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Designations — consultation and review

- P4** To formally consult owners (where known), LPAs and other parties with a particular interest in a historic building or ancient monument on all applications for designations which are considered by the Welsh Ministers to meet the criteria.
- P5** To consider introducing interim protection for ancient monuments and historic buildings that Welsh Ministers are minded to designate.
- P6** To create a structure for the review of a decision on the designation of a historic building or ancient monument.

Q4	Do you agree with proposals P4, P5 and P6?		
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment			

Marine heritage

- P7** To use the scheduling powers in the Ancient Monuments and Archaeological Areas Act 1979 generally to protect marine historic assets.

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Q5 Do you agree with proposal P7?	
Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>
<p>Comment</p> <p>Whilst there are some advantages of accessibility for divers to marine historic assets under the AMAA 1979 Act this is only an advantage over the PWA 1973 Act if the sites are sufficiently robust not to be harmed by visitors. It will still need to be made clear to visiting divers that any work on site or the removal of artefacts will require scheduled ancient monument consent.</p> <p>For some sites that are fragile, or vulnerable to unauthorised removal of artefacts, the PWA 1973 Act provides a considerably higher level of protection and consideration should therefore be given to retaining it in certain instances.</p> <p>The AMAA 1979 Act has been used at Scapa Flow in Scotland for some years and it is our understanding that it has not been entirely effective in protecting the marine historic assets in that area. As a result, a new form of designation, Historic Marine Protected Areas, has been introduced under the Marine (Scotland) Act 2010 which addresses the deficiencies in the AMAA 1979 Act.</p> <p>It is perhaps not correct to say that the 1979 Act offers a well-trialled protection framework that can encompass shipwrecks. We suggest that the legislation in Scotland be studied and that appropriate changes be made to the AMAA 1979 Act to incorporate the improvements made there, if the Welsh Government wishes to use the 1979 Act.</p> <p>In section 3.6 the consultation illustrates a number of problems with the lack of prosecutions and the difficulty of enforcement under the AMAA 1979 Act. It is not clear how the proposals to improve this (P41-P46) are relevant to marine historic assets and thereby address the existing weakness of the 1979 Act. If the Welsh Government does intend to use the 1979 Act it is suggested that these weaknesses be eliminated before moving existing maritime designated sites away from the tried and tested protection of the PWA 1973 Act.</p> <p>No reference has been made to Welsh Government archaeological policy for marine historic assets. It is suggested that the Welsh Government formally adopts the Annex to the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001 as best practice for any form of activities, or marine licensing of activities, directed at underwater cultural heritage in the Territorial Sea.</p> <p>We also suggest that the Welsh Government should prepare to ratify the 2001 UNESCO Convention in conjunction with the British Government in order to provide additional protection of marine historic assets in both territorial and international waters.</p>	

Historic areas — general

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P8 To establish a unified 'Register of Areas of Special Historic Interest in Wales' that would comprise:

Part 1: Historic Parks and Gardens,
Part 2: Historic Landscapes,
Part 3: Historic Battlefields.

Q6 Do you agree that an online unified Register of Areas of Special Historic Interest in Wales would be beneficial?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comment	

Historic areas — parks and gardens

P9 To consider options for requiring the Welsh Government to maintain and enhance the register of historic parks and gardens (part 1 of the proposed unified 'Register of Areas of Special Historic Interest in Wales') in accordance with the published criteria.

P10 To explore ways of making successive owners aware of the status of registered parks and gardens.

P11 To require LPAs to consult Cadw and a nominated amenity body on all planning applications affecting a registered historic park and garden or its setting.

Q7 Do you agree with proposals P9, P10 and P11?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Comment	

Historic areas — landscapes

P12 To maintain the register of historic landscapes (part 2 of the proposed unified 'Register of Areas of Special Historic Interest in Wales') and establish a mechanism by which new historic landscapes can be nominated or existing areas amended or deleted.

P13 To include historic landscapes in guidance for the sustainable management of the Welsh historic environment.

P14 To work alongside colleagues elsewhere in Welsh Government to ensure that the proposed natural resource management approach is

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effective in delivering the sustainable management of historic landscapes.

Q8 Do you agree with proposals P12, P13 and P14?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comment	
We suggest that the coastal and marine aspects of historic landscapes be recognised	

Historic areas — battlefields

P15 To create and maintain a register of historic battlefields (part 3 of the proposed unified 'Register of Areas of Special Historic Interest in Wales') and to publish the criteria against which candidate sites are assessed.

P16 To explore ways of making successive owners aware of register entries.

P17 To produce planning guidance for the protection and sustainable management of both Tier 1 and Tier 2 sites on the register of historic battlefields.

Q9 Do you agree with proposals P15, P16 and P17?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Comment	
We suggest that historic battlefields at sea be recognised	

World Heritage Sites

P18 To explore ways of ensuring that public bodies give appropriate consideration to World Heritage Sites in Wales.

P19 To publish guidance that would help local planning authorities (LPAs) take account of the qualities of World Heritage Sites.

Q10 Do you have examples of instances where, in your view, proper consideration has not been given to the outstanding universal value of a World Heritage Site?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Please give details.	

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Q11 What functions do LPAs exercise that could affect the outstanding universal value of World Heritage Sites?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Please give details.	

Q12 Could LPAs change the way in which they exercise their functions to contribute positively to the preservation of the outstanding universal value of World Heritage Sites?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Please give details.	

Q13 Which decisions made by public bodies other than LPAs are capable of having an impact on the outstanding universal value of World Heritage Sites?

Q14 How should World Heritage Site status rank in decisions taken by public bodies?

Q15 Would giving proper consideration to their outstanding universal value be likely to have a significant impact on development within World Heritage Sites or their settings?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Please give details.	

Identifying and designating historic assets of local significance

Conservation areas

P20 To promote, through planning guidance, the use of characterisation as a vital tool in the formulation of proposals for the preservation and enhancement of conservation areas and as the most effective way of undertaking their identification and regular review.

P21 To merge conservation area consent with planning permission.

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Q16 Do you agree with proposals P20 and P21?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Please give details.	

Historic assets of local significance

P22 To explore ways in which LPAs can be encouraged and supported to identify historic assets of local significance. This might be achieved through regional collaboration.

P23 To formulate and publish guidance that would aid LPAs in the preparation of local lists of historic assets by identifying appropriate criteria for assessing significance and establishing a methodology for nomination, consultation, validation and appeals.

P24 To develop, in partnership with LPAs, model local development plan policies and supplementary planning guidance for the protection and management of historic assets of local significance.

P25 To prepare guidance to support the use of characterisation studies in the sustainable management of historic assets at a local level.

Q17 Do you believe that regional collaboration would be effective in identifying and protecting historic assets of local significance?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Comment	

Q18 How could third sector organisations assist local authorities in identifying historic assets of local significance?

Q19 What would you like to see in any published guidance for aiding the protection of historic assets of local significance?

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Q20 How can characterisation studies support the identification and sustainable management of historic assets and areas of local significance?

3 Sustaining significance: Managing change in the historic environment

Heritage partnership agreements

P26 To enable the establishment of heritage partnership agreements (HPAs) between consenting authorities and owners for a programme of permitted works within a fixed period.

Q21 Do you think HPAs would be useful in Wales?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment			

Improvements to the listed building consent process

P27 To provide greater clarity through guidance on what works do and do not, in the opinion of the Welsh Government, require listed building consent (LBC).

P28 To provide guidance on the sustainable management of listed buildings based on the Conservation Principles.

P29 To promote more widespread use of pre-application discussions as part of the LBC process.

Q22 Do you agree with proposals P27, P28 and P29?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment			

P30 To enable more LPAs to decide certain LBC applications affecting grade II listed buildings without reference to the Welsh Ministers after allowing them a fixed time to develop professional expertise at officer level and supporting policies and procedures.

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- P31** To explore introducing a system that would give applicants a formal assurance that proposed works on a listed building do not require LBC.
- P32** To consider streamlining the LBC approval procedure for works that have no adverse effect on a listed building, its setting or any features of special architectural or historical interest that it possesses.

- | |
|---|
| <p>Q23 Consultees are asked to discuss the merits of proposals P30, P31 and P32, giving particular regard to:</p> <ul style="list-style-type: none">• whether they would offer sufficient protection to historic buildings,• the extent to which they would reduce the numbers of LBC applications,• the extent to which they would speed up the determination of LBC applications, and• any risks that they might introduce. |
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| <p>Q24 What kinds of works would have no adverse affect on the character of a listed building and could be subject to a streamlined LBC system?</p> |
| |

- | |
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| <p>Q25 Are there any other measures that would help to overcome present weaknesses in the system?</p> |
| |

Listed places of worship and ecclesiastical exemption

- P33** To update the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994 and the guidance on works that are, in the opinion of the Welsh Government, covered by the exemption.

- | |
|---|
| <p>Q26 Do you agree with proposal P33?</p> |
|---|

Yes

No

Comment

Unauthorised works to listed buildings

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P34 To consider introducing a power for LPAs and the Welsh Ministers to issue a temporary stop notice for unauthorised works on a listed building.

P35 To explore ways to ensure that fines issued by magistrates' courts will act as effective deterrents to unauthorised works.

Q27 Do you see merit in introducing temporary stop notices in Wales?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment			

Q28 Can you give examples of occasions when such a notice would have been useful?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please give details.			

Q29 Can you give examples of fines imposed by magistrates for unauthorised works to listed buildings that were, in your opinion, inadequate?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please give details.			

Q30 Would higher fines act as an effective deterrent to unauthorised works to listed buildings?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment			

Historic buildings at risk

P36 To promote collaborative working across the Welsh Government and other public services to find imaginative solutions for vulnerable and at risk listed buildings in future regeneration and housing renewal projects.

P37 To complete and review regularly the all-Wales condition survey of listed buildings.

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- P38** To develop joint working between the historic environment conservation services of LPAs to promote best practice and support effective enforcement action.
- P39** To target any available funding towards historic assets most at risk.
- P40** To extend the use of urgent works notices to occupied buildings, unless they are in residential use.

Q31 How can proposals P36, P37 and P38 be best implemented?

Q32 Do you agree with proposal P39?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment			

Q33 Would it be useful to extend the scope of urgent works notices to include occupied buildings, provided they are not in residential use?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment			

Scheduled ancient monuments

- P41** To look at options for introducing measures similar to listed building enforcement notices and (if required) the proposed temporary stop notices to allow action to be taken against unauthorised works to scheduled ancient monuments or breaches of SMC.
- P42** To consider extending the Welsh Ministers' current powers of entry so that they may allow nominated persons to undertake archaeological excavation and recording of a monument damaged by unauthorised works, or at risk of imminent damage or destruction, without the owner's consent.
- P43** To allow the Welsh Ministers to refuse to determine an SMC application where a similar application has been made in the past two years, or on land which, or by an applicant who, has undischarged conditions from an earlier SMC.

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- P44** To enable the Welsh Ministers to issue SMC for works already executed.
- P45** To remove the automatic right of applicants to be heard by an appointed person before a decision is taken on an SMC application and allow the Welsh Ministers to employ the most suitable means to determine an application.
- P46** To ensure that Welsh Ministers can issue an SMC and agree variations to that consent by means other than in writing.

Q34 Do you agree with proposals P41, P42, P43, P44, P45 and P46?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
The equivalent provisions must be made available for marine historic assets if the Welsh Government pursues its proposal to implement the AMAA 1979 Act, and any improvements thereto, in the territorial sea.			

4 Reviewing the organisational framework for historic environment services in Wales

Strengthening strategic partnerships

- P47** To develop and consult on strategic plans for the historic environment sector at four-yearly intervals, covering each of the key functions in paragraph 4.1: knowledge, conservation and public engagement.
- P48** To create a mechanism for the provision of independent expert advice to inform the Welsh Government's historic environment policy and the operational work of those who deliver public historic environment services at a national level in Wales.
- P49** To bring together the functions of the RCAHMW and Cadw into a single integrated national historic environment service either within or outside the Welsh Government.
- P50** To consider whether to place a requirement on the Welsh Ministers or on any new body outside government delivering the merged service to curate, maintain and enhance the NMRW..
- P51** To consider whether to place a requirement on the Welsh Ministers or on any new body outside government delivering the merged service to survey, investigate and interpret the Welsh historic environment..

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P52 To consider whether the Welsh Government should maintain an online, digital, map-based, publicly accessible record on which all nationally designated and registered historic assets would be depicted and described.

P53 To consider whether guidance should formally recognise national standards for Wales for collecting and depositing archaeological archives when undertaking archaeological work in connection with the planning process.

Q35 Do you agree with proposal P47 to develop regular strategic plans for the historic environment sector?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
All plans should take account of the marine historic environment			

Q36 Do you think that four years is the correct interval for the development of such plans?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
How do you think they can best be developed and delivered?			

Q37 Do you agree that there should be a new historic environment advisory panel?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If so, what would you see as the key roles for the proposed panel?			
Its membership should include an expert on the marine historic environment.			

Q38 Can you suggest ways of ensuring that the panel provides the impartial arm's length perspective, where this is required, in relation to the delivery of public historic environment services at a national level in Wales?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please elaborate.			

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Q39 What do you believe would be the most effective operating model for the delivery of an integrated national historic environment service (proposal P49)?
Please elaborate.

Q40 Do you agree that proposals P50 and P51 would provide effective protection for the current key functions of the RCAHMW?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If not, what other measures do you believe could be considered? What issues might arise?			
The record of maritime sites should be maintained, improved and extended beyond territorial waters to the median line.			

Q41 Do you agree with proposal P52?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment			

Q42 Do you agree with proposal P53			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment			

Delivery of historic environment services at a regional and local level

P54 For the Welsh Ministers to work with the Welsh Local Government Association in encouraging the establishment of formal agreements between groups of local authorities, facilitating greater collaboration in the provision of historic environment conservation services.

P55 To consider whether there are appropriate mechanisms to put the HERs on a more formal basis in order to secure their continuation.

Q43 Do you agree with the need to establish more formal agreements between groups of local authority conservation services?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Comment			

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Q44 Do you agree that such agreements should cover the areas suggested in 4.43 above?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
What other areas might such agreements cover?			

Q45 Do you agree with proposal P55?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If so, how can this be achieved?			

Supporting the third sector in providing pan-Wales historic environment services

P56 For the Welsh Ministers to explore ways to encourage and support the establishment of a membership-based umbrella organisation to support the network of voluntary and non-governmental heritage organisations in Wales.

P57 For the Welsh Ministers to explore the possibility of the establishment of a national heritage preservation trust or network of regional Welsh heritage preservation trusts.

Q46 Do you agree with proposal P56?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, what form do you think such a network might take and how do you think it could be funded?			

Q47 Do you agree with proposal P57?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
What form do you think such a trust or trusts could take and how could funding be provided?			

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Q48 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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Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here.