

Number: **WG29621**



Welsh Government
Consultation – summary of response

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

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
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Introduction

1. The Historic Environment (Wales) Act 2016, which received Royal Assent on 21 March 2016, was enacted to make important improvements to the existing systems for the protection and management of the Welsh historic environment.¹ It will also stand at the centre of an integrated package of secondary legislation, new and updated planning policy and advice, and best-practice guidance on a wide range of topics. Taken together, these will support and promote the careful management of change in the historic environment in accordance with current conservation philosophy and practice.
2. This entire suite of legislation, policy, advice and guidance has been planned in light of the seven goals set out in the Well-being of Future Generations (Wales) Act 2015.² Those well-being goals give public bodies a shared vision of ‘the Wales we want’ towards which they can work.
3. Between 19 October 2016 and 13 January 2017, the Welsh Government conducted a twelve-week public consultation on a proposal for secondary legislation to support the Historic Environment (Wales) Act 2016 and a number of draft guidance documents. This report summarises the contributions to that consultation and sets out the Welsh Government’s responses.
4. The consultation sought views of respondents on:
 - 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 (questions 1–6);
 - 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 (questions 7–9);
 - C. Draft best-practice guidance: *Managing Listed Buildings at Risk in Wales* (questions 10 and 11);
 - D. Draft best-practice guidance: *Managing Change to Registered Historic Parks and Gardens in Wales* (questions 12 and 13);
 - E. Draft best-practice guidance: *Managing Historic Character in Wales* (questions 14 and 15); and
 - F. Any related matters not specifically raised in the earlier questions (question 16).
5. The consultation was published on the Welsh Government’s dedicated consultation web pages, where the draft guidance documents and a consultation response form were made available for download.

¹ <http://www.legislation.gov.uk/anaw/2016/4/contents/enacted>

² <http://www.legislation.gov.uk/anaw/2015/2/contents>

6. A variety of vehicles were used to publicise the consultation. It was signposted on the Culture and Sport pages of the Welsh Government website and on the website of the Welsh Government’s Historic Environment Service (Cadw). Further information was provided on the Historic Environment (Wales) Act pages of the Cadw website. The publication of the consultation was featured in issue three of Cadw’s ‘Historic Environment Update’, which was distributed to over 600 stakeholders and interested members of the public. An email reminder was sent out to the same recipients three weeks before the consultation’s close. Welsh Government communications staff also contacted key sector stakeholders to alert them to the consultation and Cadw’s social media channels were used to raise broader awareness of the consultation and issue reminders of its impending closure.

The responses

7. Forty-nine respondents replied to the consultation. A full list is provided in Annex 1, with details omitted where a respondent has requested anonymity.
8. Over three-quarters of the responses (39) were sent from Welsh addresses. While the remaining 10 responses were sent from outside Wales or from undisclosed addresses, virtually all of them reflected clear involvement in the management of the Welsh historic environment and a direct interest in the consultation proposals.
9. The consultation response form asked respondents to select one of seven categories to characterise themselves. Figure 1 presents a breakdown of the responses by category.

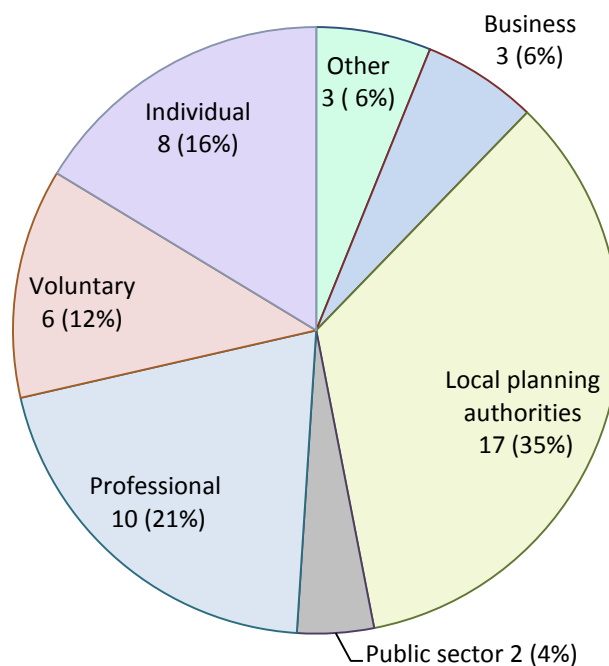


Figure 1. Consultation responses by category

10. Since the consultation covered a wide range of topics, respondents were invited to disregard any questions that fell outside of their interest or experience. Consequently, there were many null responses for every question, and these have been excluded from the statistics in the detailed analysis of the individual questions that follows.

A. Regulations to set out procedures for a review of a decision to designate a scheduled monument or listed building

Q1.	Do you agree with the grounds of review for designations of scheduled monuments?
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Yes	No	Comment only	Total
32	0	1	33
97%	0%	3%	100%

Summary analysis

11. There was almost unanimous support for the proposed grounds for review. Only one respondent neither agreed nor disagreed, but offered substantive comments.
12. Two respondents, who represented land owners, strongly believed that owners of monuments that have already been scheduled should have similar rights to request a review.
13. Some local authorities requested additional information on the role of the local planning authority in the review process. Other respondents, representing the archaeological profession, sought assurances that the applicant would not be able to challenge the exercise of the Welsh Ministers' discretion to schedule once it had been established that the monument was of national importance.
14. Another professional body suggested that the grounds of review should be strengthened by, for example, requiring significant evidence that the monument was not of national importance as part of the first ground for review. It was also suggested that *Technical Advice Note 24* would need to include additional information on de-scheduling and revisions to the schedule. It was advised that guidance should clearly state when a review would not take place, for example, if an enforcement action, appeal or prosecution were imminent or underway.

The Welsh Government response

15. As a result of the overwhelming support, the proposed grounds of review for designations of scheduled monuments will be adopted. Owners/occupiers will only be able to request reviews of new designations made after the regulations have been brought into force. However, an owner of a scheduled monument may ask Cadw to reconsider a designation, or its extent, at any time, if it can be demonstrated that a mistake was made during the scheduling process or new

information shows that the site, or part of it, does not meet the scheduling criteria.

Q2.	Do you agree with the grounds of review for designations of listed buildings?		
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Yes	No	Comment only	Total
34	0	1	35
97%	0%	3%	100%

Summary analysis

16. All but one of the respondents supported the proposed grounds of review. The remaining respondent neither agreed nor disagreed, but offered substantive comments.
17. Two consultees, representing owners of listed buildings, asserted that owners of buildings that have already been listed should have the same rights to request a designation review.
18. Respondents suggested a number of additional matters for inclusion in the grounds, such as: an error in the identification of curtilage, the condition of the building at the point of listing, and planning considerations if planning consent had been given.
19. One local planning authority advised that unauthorised works should not be a consideration in a proposal to de-list a building, while another respondent thought that a review should not take place if, for example, an enforcement action or prosecution were imminent or underway. Another respondent suggested that the only ground of review should be new evidence regarding the significance of the building.
20. Some respondents requested further clarification on the grounds of review, for instance, whether new evidence was required to challenge a finding that a building was of special architectural or historic interest. Further clarification was also requested on the meaning of 'significant additional evidence'.
21. The local planning authorities requested an explanation of their role in the review process and suggested that the same grounds could helpfully be used for applications to de-list a building.
22. One respondent suggested that the consultation and review process would lead to duplication since an owner would have an opportunity to oppose a listing both at the time of the initial consultation and as part of the review process.

The Welsh Government response

23. The grounds of review for designations of listed buildings will be that the building is not of special architectural or historic interest, that is, it fails to meet the fundamental criteria for designation. A number of the additional grounds suggested by respondents will fall within this and do not need to be individually specified. Owners/occupiers will only be able to request reviews of new designations made after the regulations have been brought into force. However, an owner of a listed building may ask Cadw to reconsider a designation or listing grade at any time, if it can be demonstrated that a mistake was made during designation or new information comes to light.

Q3.	Do you agree that a request for a review should be made within 3 months of receipt of a notice of designation? If not, what timescale would be appropriate?
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Yes	No	Comment only	Total
25	10	2	37
68%	27%	5%	100%

Summary analysis

24. The majority of respondents agreed with the proposal that a request for a review should be made within three months of receipt of a notice of designation. A number of respondents commented that it was important to provide certainty to all regarding the status of the asset as quickly as possible. One respondent thought the review period should be shorter than three months, as the owner/occupier would be aware of the proposal to designate at an early stage through the formal consultation process.
25. Of those who did not agree with the proposed three-month review period, the majority were of the view that six months would be more appropriate, as this would be consistent with some planning appeals and would provide sufficient time for the owner/occupier to collect all the relevant information. In particular, a respondent who represented church interests voiced concern that three months would be too short; 'owners/occupiers' of church buildings were not always easy to ascertain and buildings could be held in a variety of trusts. In addition, in some churches consultation would be required between two or three tiers of the governing structure before approval could be obtained to submit an application for review. Another respondent was of the view that there should be no limit whatsoever to the review period, as new information could alter people's understanding of the significance of individual assets at any time.
26. It was suggested that if a building had been listed between the Historic Environment (Wales) Act receiving Royal Assent in March 2016 and the regulations coming into effect, the owner/occupier should have an opportunity to have the listing formally reviewed.

The Welsh Government response

27. The owner/occupier will be formally consulted during the designation of a listed building or a scheduled monument. It is therefore considered that a further three-month period to submit a request for a review is reasonable and will provide certainty to all regarding an asset's status. The person appointed to conduct a review will have the ability, in exceptional circumstances, to extend the timescales set out in the regulations. The appropriateness of the timescales will be kept under review.

Q4.	Should any other information be required in the review application? If yes, please specify.
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Yes	No	Comment only	Total
12	20	1	33
36%	61%	3%	100%

Summary analysis

28. Respondents made some suggestions for additional information that could be required in the review application, including:
- Ordnance Survey coordinates and the full address and postcode of a building or monument to ease identification; and
 - the status of the applicant, and whether there are joint applicants.
29. In addition, some respondents provided general comments on aspects of the application procedures, including:
- that it should be clear that an application by an owner or occupier does not preclude an application by the other;
 - the notice of designation sent by the Welsh Ministers should include a copy of the review application form;
 - interested persons to the review should include the relevant amenity societies and local planning authorities;
 - the length of time that the applicant and the Welsh Ministers have to comment on interested persons' representations should be lengthened from two weeks to three weeks; and
 - interested persons' representations should be accompanied by clear and robust evidence.

The Welsh Government response

30. Amendments will be made to the information required in the review application to include the address or a description of the location of the land on which the designated asset is located. A joint application from both the owner and occupier will be accommodated, as will separate review applications. Guidance notes will be produced to accompany the review application.

Q5.	Do you believe that the procedures outlined are reasonable and fair for all involved in designation reviews? If not, how could they be improved?
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Yes	No	Comment only	Total
26	4	5	35
74%	12%	14%	100%

Summary analysis

31. The vast majority of respondents agreed with the proposed review procedures since they reflect planning appeal procedures that generally work well and are well understood.
32. Some respondents requested clarification on the role of interested persons and, in particular, the local planning authority. It was also suggested that supporting statements from interested persons should include the respondent's relevant qualification, membership of any professional body or any other accreditation that they may possess.
33. Two respondents recommended that site visits should be an essential element of every review, and should not be at the discretion of the Planning Inspectorate; another respondent stated that the permission of the owner/occupier should not be required for the inspector to have access to the historic asset in question. One respondent wanted clarification on who would determine the procedure for the review; whilst another suggested that the Planning Inspectorate should be required to publicise the subject, date and location of a public inquiry.
34. Three respondents voiced some concern that the procedures may be deemed difficult and daunting to some owners/occupiers, especially those without access to professional advice. It was recommended that the Planning Inspectorate should be given flexibility to make reasonable adjustments to the procedures to ensure that those applicants are not disadvantaged.
35. Some concern was also expressed about whether the Planning Inspectorate had the required expertise and qualifications to undertake reviews relating to the historic environment competently.

The Welsh Government response

36. The Welsh Government is pleased that the majority of respondents agreed with the proposed review procedures. A local planning authority will be an interested person within the review process and will be able to provide a statement to the appointed person setting out its view on the review. The appointed person will determine the most appropriate procedure for the review, but the applicant will be able to indicate a preferred procedure when applying for a review. The appointed person will be required to publicise a public inquiry. The appointed person will, however, have discretion to determine if a site visit is required.

Q6.	Do you agree with the measures proposed for the award of costs to deter unreasonable behaviour in designation reviews? If not, how could they be improved?
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Yes	No	Comment only	Total
29	2	2	33
88%	6%	6%	100%

Summary analysis

37. The vast majority of respondents agreed with the proposal for the award of costs to deter unreasonable behaviour in designation reviews, but their responses were qualified as the detail of the planning guidance on 'Appeals, costs and standard daily amounts' had not been finalised following the recent Welsh Government consultation.
38. Amongst those who disagreed with the proposal, some were concerned that people might be deterred from applying for a review by the threat of costs being awarded against them. It was suggested that guidance needed to explain the term 'unreasonable behaviour' and that costs would only be awarded in exceptional circumstances. In addition, it was noted that the document did not acknowledge that places of worship were held by charities whose funds could only be expended to further the purposes of the charity.

The Welsh Government response

39. The Welsh Government is pleased that the vast majority of respondents agreed with the measures proposed for the award of costs, but acknowledges the qualification that the finalised guidance on 'Appeals, cost and standard daily amounts' needs to be considered.

B. Statutory guidance: *Historic Environment Records in Wales: Compilation and Use*

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? How could this section be improved?
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Yes	No	Comment only	Total
24	9	7	40
60%	23%	17%	100%

Summary of analysis

40. In general, the guidance was welcomed since it will raise the profile of the historic environment records (HERs) as important sources of information

concerning the historic environment of Wales. The respondents identified a number of areas where the guidance could be improved and provided a number of constructive suggestions.

41. Three respondents suggested that the guidance's target audience should be defined more clearly. Although section 37 of the Historic Environment (Wales) Act 2016 referred to specific public bodies, the introduction to the guidance gave the impression that it had much broader relevance.
42. Although respondents found the section on the roles and responsibilities of the public bodies helpful, there was agreement that more detail was needed, particularly about the role of the organisations in the management and conservation of the historic environment. A number of local authorities asked for further detail on the role of the HERs in planning policy and development control. It was also suggested that information on conservation area appraisals and management plans and Article 4 Directions could be included in the HERs.
43. There was some concern about the number of different websites and databases providing access to information on the historic environment. One respondent felt a digital strategy was required.
44. Although the reference in the guidance to the use of the HERs for education, engagement and cultural tourism was welcomed, it was felt that the information contained in the databases was fairly academic and not originally intended for a lay audience. On a similar theme, it was felt that further work was required to make the HERs more accessible to the public. It was suggested that the guidance should make explicit reference to the duty of the Welsh Ministers and the other public bodies to comply with the Welsh Language Standards.
45. From an administrative point of view, it was felt that the existing memoranda of understanding between the archaeological trusts and local planning authorities would need revision and updating to reflect the new statutory arrangements. In addition, the HER benchmarks and standards needed to be made available.
46. A respondent suggested that the scope of information in the HERs needed to be systematically widened with the addition of adequate information on historic buildings. In the meantime the guidance should make it clearer that the HER was not definitive, especially for non-archaeological historic assets.
47. A few suggestions were made to improve the accuracy of the guidance, including references to:
 - county record offices in the section on 'Compilation';
 - publicly available records held by the National Trust; and
 - the role of the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW) in furnishing advice in relation to listed building consent.

The Welsh Government response

48. The guidance is targeted at local and National Park authorities and Natural Resource Wales, and it will be amended to make this explicit. Further detail will

be provided on the roles and responsibilities of the different organisations, including how they should feed into the HERs. A separate document containing the benchmarks and standards for the HERs will be produced and made available on the Cadw website. The guidance will be reviewed to incorporate a number of the detailed comments.

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? How could this section be improved?
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Yes	No	Comment only	Total
24	11	2	37
65%	30%	5%	100%

Summary of analysis

49. Respondents believed that the guidance would usefully raise awareness of:

- the importance of the HERs as resources for public bodies;
- the capacity of the HERs to inform a range of activities; and
- the potential for meaningful contributions to the HERs from public bodies.

However, there was some concern about the general tone of the guidance, which was regarded as prescriptive and risked alienating public bodies rather than fostering productive relations.

50. In general terms, it was also felt that it would be helpful if the guidance underlined the importance of good liaison, regular contact and partnership working between the public bodies and the HERs. It should also comment on potential mechanisms through which public bodies might be able to influence the operations of the HERs and their data enhancement initiatives.

51. The guidance should include more detail about how public bodies and the general public could contribute to the compilation of the HERs. It was suggested that a detailed mechanism or methodology was required. One respondent suggested that the guidance was a little vague on who was responsible for placing new information in the HERs.

52. A number of respondents voiced concern about the resource implications for local authorities if they sought to fulfil the requirements of contributing to the HERs. It was felt that many authorities would lack staff capacity and expertise. t

53. One respondent suggested that the guidance could provide further clarity on the interface between the HERs and Strategic Development Plans and the National Development Framework. Another respondent maintained that the guidance needed to refer to ecclesiastical exemption procedures, where listed building consent papers were held by an ecclesiastical body rather than by a

local authority. It was also suggested that the guidance should more clearly explain the implications of the Historic Environment (Wales) Act 2016 for records on the marine historic environment held by RCAHMMW. One respondent suggested that the guidance should furnish information on the implications of using the information in the HERs for unlawful activity such as metal detecting on a designated asset.

54. It was recommended that the guidance on place names could be strengthened by including guidelines on recording place names and on giving due regard to orthographic accuracy and the origin of names. In addition, it was suggested that the guidance on the use of the place name list could be improved by elaborating on the importance of historic place names and encouraging public bodies to give due regard to them when considering proposals to name places or applications to change street or property names. Consideration should also be given to the appropriateness of providing guidelines to private owners of topographical features on the importance of retaining historic names, which often derive from significant characteristics of such features.

The Welsh Government response

55. The guidance will be statutory and its language is accordingly different to that adopted in the best-practice guidance. The guidance will be amended to acknowledge the good partnership working that already exists between the public bodies and the HERs, as well as to incorporate a number of the detailed comments in the consultation responses. The archaeological trusts will be required to liaise with and assist local authorities to provide the HERs with the information required by the Historic Environment (Wales) Act 2016. A separate annex, setting out how local planning authorities should use the list of historic place names when considering applications for the naming and renaming of streets and properties, will be included in the guidance.

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? How could this section be improved?
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Yes	No	Comment only	Total
23	10	4	37
62%	27%	11%	100%

Summary of analysis

56. A few respondents commented that meaningful use of the HERs depends on good will and good relations between the public bodies and the HERs. It was suggested that the role of the HER staff needed to be made more prominent, as most public bodies in Wales did not have in-house expertise. A number of respondents suggested that the public bodies should receive training to maximise the use of the HER database.

57. Respondents identified a number of areas that would benefit from additional information or detail on how the HERs should be used in decision making by the public bodies.
58. A number of local and National Park authorities requested clarity on the use of the terms 'should', 'must' and 'may', particularly in relation to the development of policies and plans. Further detail was requested on how local planning authorities should use HERs in the discharge of their planning responsibilities — including the determination of planning applications — and how much weight should be attached to the information contained in the HERs.
59. Another respondent suggested it would be helpful if the guidance acknowledged the parallel importance of the National Monuments Record by including a list of roles and uses like that provided for HERs in section 1.2.
60. One respondent felt that the role of private and academic archaeologists in contributing to the HERs should be recognised in the document.
61. A number of respondents suggested that further detail would also be helpful on the use of the list of historic place names. Specific reference to place names could be placed in the paragraph on 'what is an HER used for', as well as in the section which requires the HER to record details of every area which 'the authority or the Welsh Ministers consider to be of local historic, archaeological or architectural interest'. Furthermore, specific reference could be made to the usefulness of place names to the activities relating to the use of HERs in section 4.
62. One respondent suggested it would be useful to include information on the Treasure Act and Portable Antiquities Scheme and thus the contribution of Finds Liaison Officers to the HERs. Another respondent thought that the guidance should include reference to designated wrecks under the Protection of Wrecks Act.

The Welsh Government response

63. The guidance will be reviewed to take account of a number of the detailed comments. It will be amended to acknowledge the role of HER staff in providing advice to public bodies. It will also clearly state that users should not rely solely on the data contained within Archwilio and that the archaeological trusts hold additional information. Additional information on the National Monument Record will be included in the guidance. An annex will also be added to give local authorities specific guidance on how they should take account of the list of historic place names.

C. 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? How could it be improved?
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Yes	No	Comment only	Total
27	6	3	36
75%	17%	8%	100%

Summary of analysis

64. In general, the respondents agreed that the guidance would support the more effective management of historic buildings at risk and several provided specific suggestions as to how it could be improved.
65. A number of local authorities suggested that it would be useful to follow or directly endorse the Historic England publication, 'Stopping the Rot'. More detailed information could also be given on the use of statutory powers and where those powers might be best employed.
66. There was some concern in the responses that the general validity of the guidance would be undermined by capacity issues in local planning authorities. Authorities might lack either the available resources for implementing the measures discussed, or the confidence and experience needed to take action. A small number of respondents were sceptical whether the guidance would lead to more effective management of historic buildings at risk.
67. One respondent recommended the inclusion of case studies as an annex to the document, while a number thought that template letters and notices would be beneficial. One respondent representing church organisations advocated specific guidance for places of worship, due to the number of such buildings at risk and the different challenges that they face. It was also suggested that the guidance should acknowledge that some structures are incapable of beneficial use and specific guidance should be provided on how these should be considered.
68. One local authority believed that the guidance should present more information derived from the All Wales Condition Survey, such as the scale and nature of the problem, and information on economic trends that contribute to risk.

The Welsh Government response

69. The Welsh Government is pleased that respondents generally supported the content of the guidance. The document will be amended to endorse Historic England's guidance, 'Stopping the Rot', but care will need to be taken as the law in Wales differs from that in England. The long term goal will be to place case studies on the Cadw website to support the guidance. The guidance will be reviewed to take account of the detailed comments made by respondents.

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? If not, what is missing?
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Yes	No	Comment only	Total
19	12	4	35
54%	34%	12%	100%

Summary of analysis

- 70. While the majority of respondents agreed that the key issues were covered by the guidance’s advice on the condition, use and ownership of listed buildings at risk, a number of detailed comments were nevertheless offered.
- 71. A number of respondents were encouraged to see the emphasis placed on the need to find a viable use to save a building at risk. One respondent remarked that the guidance needed to acknowledge that some charities that own listed buildings may have duties to uphold that could conflict with the management of a building.
- 72. A few respondents believed that the guidance provided good analysis of issues, but insufficient practical advice on how to deal with the challenges. Case studies and examples would be helpful. There was concern that it was unrealistic to expect local planning authorities to play a proactive role given current capacity and resource issues.
- 73. It was suggested by one respondent that the analysis of causes of risk should also include perceived market pressures, and ill-considered disposals. In addition, poor security, theft and malicious damage could be included. It was noted that the information on asset disposal needed to be compatible with section 123 of the Local Government Act 1972.
- 74. I was also recommended that owners, third sector organisations and amenity societies would benefit from gaining access to the All Wales Condition Survey database to assist decision making.

The Welsh Government response

- 75. The guidance will be reviewed to consider detailed comments provided by the respondents. The information on the different categories of buildings that may not have an obvious viable use will be enhanced. It would be difficult to provide open access to the All Wales Condition Survey database, but consideration will be given to making the information more accessible. The Welsh Government recognises the resource pressures that local planning authorities face, but also the importance of managing buildings at risk.

D. 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? How could it be improved?
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Yes	No	Comment only	Total
24	8	2	34
70%	24%	6%	100%

Summary of analysis

76. Overall, respondents were very positive about the content of the guidance and agreed that it clearly explained the implications of owning a registered historic park or garden. A number of constructive comments were made on how the guidance could be improved. One respondent suggested that a section on how registration relates to planning policy and the planning system should be included under a specific heading in the guidance. It was also thought that the guidance would benefit from a clear section on what types of changes were acceptable to a historic park and garden.
77. Some respondents highlighted the disparate nature of the historic parks and gardens on the register, and observed that it would be difficult to provide appropriate guidance for all situations. One respondent suggested that the guidance should be more robust in promoting the preservation of the essential features that comprise the historic character of the park and garden. It was also noted that there was potential for conflict where a registered historic park and garden was also within a designated area, and the guidance should provide a clear hierarchy of different designations.
78. Three local authorities queried whether owners of registered historic parks and gardens would be consulted directly on the inclusion of their land in the statutory register of historic parks and gardens.
79. Two respondents found the section on planning to be too prescriptive and felt that there was a need to differentiate between the management of parks and the management of gardens. In addition, it was suggested that innovative change to some gardens could enhance them or make them more sustainable.
80. It was also suggested that the guidance should encourage owners to have a clear strategy for funding the maintenance and care of their land on a long-term basis. The guidance should set out that owners may need to consider alternative ways to generate income to secure the long-term financial viability of their historic park or garden.
81. A number of detailed comments were made on the draft text, including the need to expand the discussions of:

- the criteria for registration;
- the meaning of special historic interest;
- the consultation and review procedures; and
- the difference between ‘essential setting’ and ‘setting’.

The Welsh Government response

82. The Welsh Government is pleased that respondents found the guidance useful. An exercise is being undertaken to identify owners of historic park and gardens and notify them of the changes made by the Historic Environment (Wales) Act 2016. Further clarification and guidance will be provided on the purpose of the register of historic parks and gardens and on planning considerations.

Q13.	<i>Will Managing Change to Registered Historic Parks and Gardens in Wales help owners and their agents to manage historic parks and gardens to achieve high-quality, sensitive change? How could it be improved?</i>
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Yes	No	Comment only	Total
26	5	2	33
79%	15%	6%	100%

Summary of analysis

83. The overwhelming response from respondents was that the guidance would assist in the management of historic parks and gardens. A number of additional suggestions were made to improve the guidance.

84. One respondent remarked that the guidance could include information on:

- the sensitive integration of modern development within a historic park or garden,
- how to enable development, and
- how to avoid compromising the historic integrity of a park or garden when subdivision is being considered.

85. A number of local planning authorities questioned whether conservation management plans should be a requirement, rather than best practice, for historic parks and gardens. That would require an owner to focus on the significance of the asset and lead to a far better understanding of it. Another local authority suggested that Cadw should respond more directly to planning applications and offer clearer opinions.

86. It was also suggested that the guidance should acknowledge the tension that could arise between the need for appropriate conservation and management and the need to raise revenue to support and maintain a park or garden.

87. Respondents also felt that additional information on the archaeological value of a park or garden would be helpful. This should include advice to

owners/occupiers that partially standing or below ground features remaining from an earlier garden design might need a specific management regime.

88. Two respondents believed that the guidance could be improved by including examples of high-quality, sensitive change and illustrating how management plans have helped to achieve such results.

The Welsh Government response

89. The guidance will be amended to reflect a number of the constructive comments from the consultation. Further emphasis will be placed on the need to balance conservation with income generation, as well as on managing archaeology within a historic park or garden. The guidance will acknowledge that each site is different and needs to be considered on its individual merits.

E. 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? How could it be improved?
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Yes	No	Comment only	Total
26	7	6	39
67%	18%	15%	100%

Summary of analysis

90. Respondents were generally of the view that the guidance clearly explained historic character. A number of detailed suggestions were made on elements of the proposed text, including adding to the sources of information and mentioning toolkits available to inform character studies.

91. Four respondents advised that the audience for the guidance should be clearer. Some suggested that it should be aimed at volunteers and community groups, whilst others thought it should be directed towards local authorities.

92. There were some concerns about:

- the intended outcome of the guidance in relation to planning determinations;
- the weight that it should be given; and
- how it could help local planning authorities in the planning process when negotiating on applications.

Several respondents suggested making a clearer link between the guidance and Cadw's own character studies to demonstrate the connection between concept and practice and to improve understanding.

93. One respondent thought that the guidance was too vague in places and called for further detail on what elements of historic character should be looked at and

how change could be mitigated. Another respondent suggested that the guidance should acknowledge the importance of keeping buildings in use.

94. Several respondents expressed concern about the resources, both human and financial, associated with assessing historic character and asked whether it was reasonable to expect public bodies to undertake such studies at a time of such financial constraints.

The Welsh Government response

95. Improvements to the guidance will be made to reflect the comments received from respondents. The guidance will place greater emphasis on the character studies that have been undertaken by Cadw, and provide clarity on how character should be considered within the planning context. References to other useful sources of information will also be included. The Welsh Government acknowledges the resource pressures faced by local planning authorities, but also the importance of recognising and managing the historic character of an area.

Q15.	Does the draft guidance, <i>Managing Historic Character in Wales</i>, give sufficient information to support the effective management of historic character? If not, what is missing?
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Yes	No	Comment only	Total
20	14	4	38
53%	37%	10%	100%

Summary of analysis

96. Over half of the respondents thought that the draft guidance provided sufficient information to support the effective management of historic character. Of those who answered 'No', most offered constructive comments on how the document could be improved. However, there was concern about how effective the approach would be in the planning process.
97. The main concerns articulated by local authorities were based around the weight of the guidance in planning determinations and how it could be used as an effective tool in the decision-making process. One respondent noted that the promotion of community-driven analysis raised questions about whether reports by the community would carry equal or more weight than those with prepared with professional expertise.
98. Another respondent suggested that the physical aspects of historic character should be given weight in the planning process. This could be accomplished through the HERs, which would then be used in the development management function.
99. There were contradictory views about the level of detail required in the guidance document. One respondent thought that the guidance was extensive,

but that its academic language and concepts needed to be made more accessible to effectively support decision making. Another respondent thought that the guidance document did not provide enough information to support the effective management of historic character as defined. Respondents requested more detail on the structure of historic character appraisals and their stages of production.

The Welsh Government response

100. The guidance will be reviewed to take into account the detailed comments offered by respondents. A new section on the content of a character report will be included and the deposition of a report in the relevant HER will be encouraged. The contribution that historic place names make to the character of an area will also be emphasised. The guidance will cross-reference *Planning Policy Wales* and *Technical Advice Note 24* for the historic environment, which should clarify how character should be considered in the planning process.

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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Summary of additional comments

101. Respondents made a number of additional comments to the consultation exercise.
102. A number took the opportunity to state that the guidance was a welcome bringing together, confirmation and expansion of a piecemeal approach to the management of the historic environment. In general, respondents commented that the guidance was well written and easy to understand.
103. Three respondents believed that further regulation was needed to protect historic place names in Wales. Another respondent perceived a gap between institutional archaeologists and groups in the third sector that could be bridged through online, inter-group networking/collaboration. There was also concern that Wales lacked a network of bilingual heritage officers who could provide a structured and coordinated approach to managing and promoting local heritage.
104. A few respondents were concerned about the capacity of local planning authorities to manage the historic environment, and stressed that they should be reminded of the desirability of maintaining in-house expertise to undertake their functions. Clarification was also sought on the statutory weight of the guidance documents in decision making and at appeal. It was also suggested that a summary document outlining all of the new duties on local authorities would be useful.

105. Another respondent questioned to what extent it was helpful to have different regulations in Wales and England, noting that this may lead to confusion and a specialist skills deficit.
106. Finally, one respondent took the opportunity to voice concern on the proposal to merge functions of the national heritage institutions in Wales, and reflected that any remnants of the organisations might be ineffectively small.

The Welsh Government response

107. The Welsh Government is pleased that respondents generally welcomed the suite of guidance being developed to assist in the sustainable management of the historic environment. The list of historic place names and the statutory guidance that will support the use of HERs will raise awareness of the importance of our historic place names. The Welsh Government recognises the resource pressures faced by local planning authorities and hopes that the new guidance will provide them with clarity and direction in the management of the historic environment.

List of respondents (organised by category)

The total number of respondents for each category is given in the heading. Each entry gives the number of the consultation response, the name of the individual or organisation responding (unless anonymity has been requested) and the location of the respondent (if known).

Individual — 8		
001	Kenneth J. Richards	Toronto, Canada
008	Evan Owen	Gwynedd
009	Clive James	Wales
013	Judith Doyle	Swansea
017	Professor Ralph Griffiths	Swansea
021	Jack Hanbury	Pontypool
026	Sian Rees	Raglan
046	Anonymity requested	

Business — 3		
031	Lichfields	Cardiff
035	Clwyd-Powys Archaeological Trust	Welshpool
039	Trysor	Ammanford

Local planning authority — 17		
004	Ceredigion County Council	Aberaeron
005	Pembrokeshire County Council	Haverfordwest
006	Merthyr Tydfil County Borough Council	Merthyr Tydfil
007	Wrexham County Borough Council	Wrexham
010	Blaenau Gwent Council	Ebbw Vale
015	Bridgend County Bourough Council	Bridgend
020	Caerphilly County Borough Council	Ystrad Mynach
022	Wrexham County Borough Council (Cllr)	Wrexham
024	Cyngor Gwynedd	Pwllheli
027	Newport City Council	Newport
028	Flintshire County Council	Mold
029	Conwy County Borough Council	Colwyn Bay
034	South Wales Conservation Officers Forum	Usk
040	Carmarthenshire County Council	Carmarthen
041	Vale of Glamorgan Council	Barry
042	Three Welsh National Park Authorities	Penrhyndeudraeth
043	National Parks Wales	Pembroke Dock

Government agency/Other public sector body — 2		
003	Natural Resources Wales	Aberystwyth
038	National Museum Wales	Cardiff

Professional body/Interest Group — 10		
012	Society of Antiquaries of London	London
019	Chartered Institute for Archaeologists	Reading
030	Institute of Historic Building Conservation	Tisbury
033	Wales Heritage Group	London
036	Council for British Archaeology	York
037	Mineral Products Association	London
044	Gwynedd Archaeological Trust	Bangor
045	The Law Society of England and Wales	Cardiff
048	Association of Local Government Archaeology Officers Cymru	Penrhyndeudraeth
049	Royal Town Planning Institute Cymru	Cardiff

Voluntary sector — 6		
002	Glamorgan-Gwent Archaeological Trust	Swansea
014	Historic Houses Association Wales	London
023	Cytûn – Eglwysi ynghyd yng Nghymru/Churches Together in Wales	Cardiff
025	Usk Civi Society	Usk
032	Country Land and Business Association Cymru	Presteigne
047	Campaign for the Protection of Rural Wales Brecon and Radnor Branch	Presteigne

Other group not listed above — 3		
011	Welsh Language Commissioner	Cardiff
016	Dyfed Archaeological Trust	Llandeilo
018	Cymdeithas Enwau Lleoedd Cymru	