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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation — summary of response

Managing the Marine Historic Environment of Wales

August 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Introduction

1. The marine historic environment gives us a sense of place and helps shape our identity. It makes an important contribution to the social, economic, environmental and cultural well-being of Wales through many different activities. Current guidance for the management of the marine historic environment is out of date and not fit for purpose. New guidance, which reflects modern conservation philosophy and practice, is needed to inform management and decision making relating to the marine historic environment.
2. Between 11 March and 3 June 2019, the Welsh Government conducted a twelve-week public consultation on proposed guidance which explains the Welsh Government's approach to underwater heritage and offers best-practice guidance for its protection and management.
3. The consultation was published on the Welsh Government's dedicated consultation web pages, where the guidance document could be downloaded. The response form was available as an online form and as a downloadable Word document.
4. A variety of methods were used to publicise the consultation. It was signposted on the Cadw website, Twitter feed and Facebook page. The publication of the consultation was featured in Cadw's 'Historic Environment Update' which was distributed to around 350 stakeholders and interested members of the public. An email reminder was sent to the same recipients.

The responses

5. The consultation received 31 replies (26 substantive). Five online responses were submitted with entirely blank fields and have not been included in the statistics that follow. A full list of respondents is provided at Annex 1, with details omitted where individuals have requested anonymity.
6. Fifteen responses were sent from Welsh addresses. While the rest were from outside Wales or undisclosed addresses, most reflected an involvement or interest in the marine historic environment of Wales.
7. We particularly welcome the response we received from Pupils 2 Parliament. Pupils 2 Parliament is a project to enable school pupils to consider and feed in their views to parliamentary, national government and national body inquiries and public consultations. The response provided by Pupils 2 Parliament included the views of 22 school pupils aged 10 to 11 from Knighton Church in Wales Primary School, Powys.
8. The consultation responses have been categorised in Figure 1.

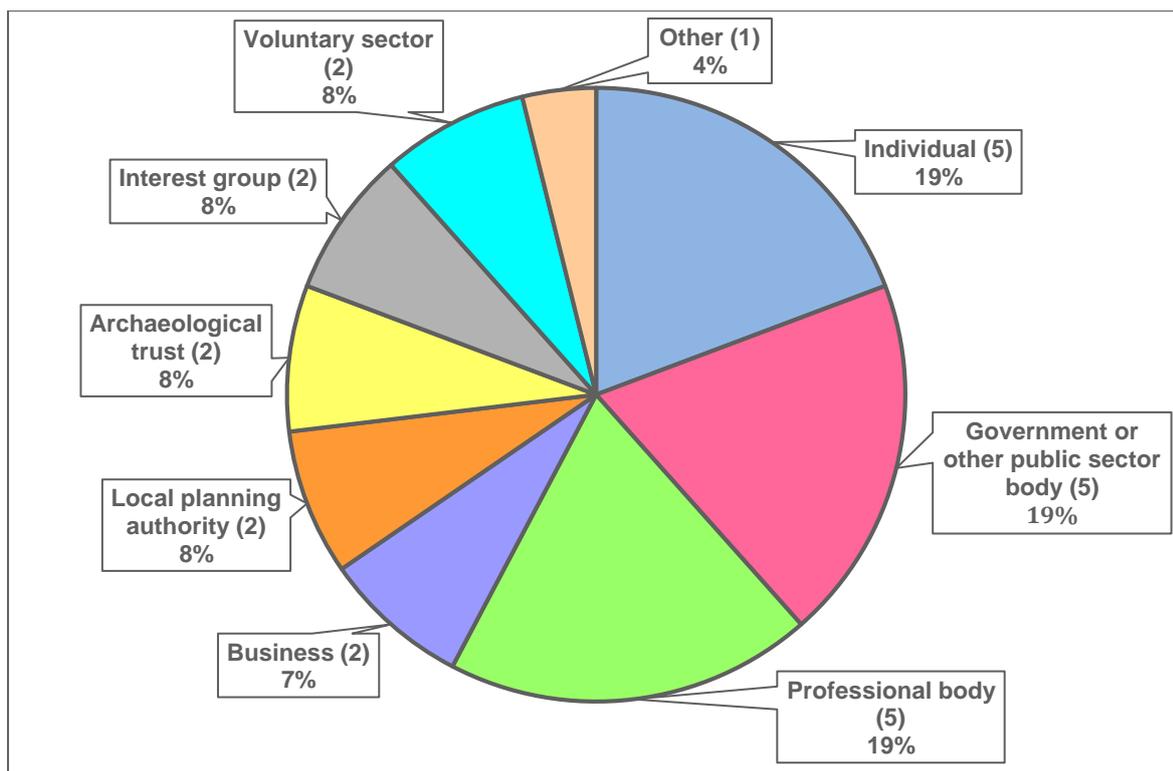


Figure 1. Consultation responses by category

Q1. Does part one clearly set out the nature of the marine historic environment and why it is important?

Agree	Disagree	Neither Agree Nor Disagree	Comment Only	Total
18	0	0	4	22
82%	0%	0%	18%	100%

Summary analysis

9. There was overwhelming agreement that the document clearly set out the nature of the marine historic environment and why it is important. Eighteen out of 22 actively agreed whilst four did not commit to a view but provided substantive comments. None of the respondents disagreed.
10. Two bodies representing archaeological organisations praised the document for including reference to undesignated archaeology but two others thought that it wasn't sufficiently highlighted.
11. A number of organisations suggested that the wording of the document could be changed or reorganised to provide clarity on a range of issues. These included explanations of survey types, aircraft crash sites, salvage operations, the types of threats affecting the marine historic environment and some of the reporting mechanisms involved.

12. One group commented that it was important to treat historic assets on land and at sea with equal importance. A number of other organisations felt that the guidance could be extended to recognise other areas that might be affected such as river estuaries and submerged landscapes.
13. Reference to the CHERISH Project was also requested by a range of organisations in response to this and several other questions.

The Welsh Government response

14. The Welsh Government welcomes the firm support that the document clearly sets out the nature and importance of the marine historic environment of Wales. In light of respondents' suggestions we have clarified and enhanced the guidance.
15. Further information on the importance of undesignated historic assets and the contribution they make to local distinctiveness has been included. The sections on survey types, aircraft crash sites and salvage operations have been clarified.
16. The document now recognises that the marine historic environment can extend to the upper tidal reaches of rivers as well as the coast itself.
17. Additional information has been included on threats to the marine historic environment, including reference to the CHERISH project to highlight the impact of climate change on coastal and underwater historic assets.

Q2.	Despite the different legislative regimes, does the guidance make it clear that the principles of our approach to the historic environment are seamless between land and sea?
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Agree	Disagree	Neither Agree Nor Disagree	Comment Only	Total
12	2	5	3	22
55%	9%	23%	13%	100%

Summary analysis

18. The majority of respondents agreed that the guidance makes clear the principles of the Welsh Government's approach to the historic environment and that it is seamless between land and sea. Twelve out of 22 respondents agreed while two disagreed. Three did not answer the question but provided substantive comments.
19. A number of respondents, including some that agreed with the statement, suggested that the designation and consenting regimes are not seamless due to their complexity and that this is unavoidable. They also stated that it would be difficult to make the processes seamless due to the different management considerations required for the marine historic environment and the differing criteria for designation set out in the Protection of Wrecks Act 1973 and the Ancient Monuments and Archaeological Areas Act 1979.

20. Several consultees suggested that the guidance should reflect more clearly the relationship and any overlaps with other plans such as local development plans and marine plans. They asked that more information be included on the management of terrestrial sites to aid comparisons and consistency with the management of the marine historic environment.
21. Two also suggested that the guidance would benefit from an overarching statement at the beginning to explain why the different regimes should be seamless.
22. A few respondents asked that the criteria for heritage impact assessments be made clearer and highlighted that the significance of some historic assets will not be known and that this needs to be assessed.

The Welsh Government response

23. The Welsh Government has given careful consideration to the comments of respondents. We have accordingly amended the guidance in an effort to set out the seamless approach of the different legislative regimes on land and sea more clearly.
24. Cadw's *Conservation Principles* already outlines a way of thinking about significance, which is separate from designation criteria, and we consider that this can be applied effectively in the terrestrial and marine historic environments.
25. We have tried to identify where there are overlaps and links with other plans and how management and development proposals for the marine historic environment relate to each other.
26. We have also clarified the section on heritage impact assessment. Further information can be found in *Heritage Impact Assessment in Wales*, published in 2017, which is referenced in, and should be used in conjunction with, this guidance document.

Q3.	Will the decision-making framework for the management of the marine historic environment, as set out in part three, be clear to both applicants and decision makers?			
Agree	Disagree	Neither Agree Nor Disagree	Comment Only	Total
12	3	3	3	21
57%	14%	14%	14%	100%

Summary analysis

27. Just over half of the respondents, 12 out of 21, agreed that the decision-making framework is clear to both applicants and decision makers. Three respondents actively disagreed due mainly to the different requirements of marine licence and planning permission applications. The three respondents who did not

answer the question offered suggestions to clarify the decision-making framework.

28. A number of respondents commented on seeking pre-application advice. One organisation welcomed the information provided. However, two others suggested that this could be expanded by setting out under what circumstances advice should be sought.
29. A number of respondents also requested clarification of a range of other issues, including the role of particular consenting authorities and the definitions of historic assets referred to in the guidance.
30. A few consultees also wanted further clarity on the relationship between marine policy and legislation and the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage and the weight that the convention should be given in the decision-making process.

The Welsh Government response

31. The Welsh Government considers that the information provided on pre-application advice is sufficiently detailed; defining circumstances where pre-application advice should be sought may be too prescriptive as applications need to be considered on a case-by-case basis. Some amendments have been made to make the guidance clearer about the roles and responsibilities of consenting authorities and developers.
32. *Technical Advice Note 24: The Historic Environment* contains definitions of historic assets and should be read in conjunction with this guidance, however we will review to see whether these should be replicated within the guidance or whether clearer referencing will suffice.
33. The Welsh Government considers that the guidance clearly states the role of the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage. Whilst not ratified by the UK, the principles set out in the annex to the convention have been adopted and practices should be carried out in accordance with those principles and other recognised best practices.

Q4.		Is it appropriate to have both scheduling and protected wreck designation as mechanisms to protect significant wreck sites?		
Agree	Disagree	Neither Agree Nor Disagree	Comment Only	Total
13	0	6	2	21
62%	0%	29%	9%	100%

Summary analysis

34. Over half of respondents, 13 out of 21, agreed that it is appropriate to have both scheduled and protected wreck designations to protect significant wreck sites. Nobody disagreed. Of the two organisations that did not answer the question directly but provided comments, one stated that they supported a single system of protection and the other thought that using both systems is appropriate.
35. A few respondents, however, who agreed that it is appropriate, felt that the guidance should be clearer about the differences between the two systems, particularly when considering the most appropriate management outcome. They also suggested that the designation processes could be consolidated to ensure the best method of protection.
36. A number of organisations also made suggestions as to how sites could be better protected by introducing higher fines for illegal activities, using technology to safeguard sites and accessing fishery protection fleets to intervene in marine heritage crime.
37. A number of consultees also suggested that protected areas should be extended, such as by incorporating underwater cultural heritage into Marine Protected Areas.

The Welsh Government response

38. The Welsh Government is pleased to note that over half of the respondents agree that the mechanisms for designating and protecting significant wreck sites are appropriate. Some of the wording has been changed to ensure that the most appropriate management outcome is also considered.
39. The Welsh Government also notes that many of the extra protections suggested by respondents already exist under the Protection of Wrecks Act 1973. The issue of consolidation of this and the Ancient Monuments and Archaeological Areas Act 1979 is outside the scope of this consultation.
40. Similarly it is beyond the scope of this consultation to extend protected areas such as Marine Protected Areas.

Q5.

We would like to know your views on the effects that *Managing the Marine Historic Environment of Wales* would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Summary analysis

41. Seven out of 22 respondents provided substantive comments on the effects of the guidance on the Welsh language. Some respondents stressed the importance of using Welsh names for places and historic assets, particularly in situations where new names are being allocated. Several consultees highlighted the importance of historic coastal place names, which, like most Welsh place names, refer to topography, purpose, historic events and people; a few proposed the creation of a register on the model of the List of Historic Place Names of Wales maintained by the Royal Commission on the Ancient and Historical Monuments of Wales. Another suggestion was the use of bilingual museum exhibitions. One respondent stated that the Welsh language should be an uppermost consideration in all development proposals.
42. Three respondents could see no connection, two stated they were not qualified to answer and nine did not comment.

The Welsh Government response

43. The Welsh Government recognises the importance of ensuring that Welsh retains a vital place in the marine historic environment.
44. The List of Historic Place Names of Wales already contains many entries from Wales' coastal regions. However, as several respondents pointed out, the marine historic environment is a rich field for further research on place names. As the List grows it will incorporate new information on marine place names thereby making this information available to the public, local authorities and other decision makers. The Royal Commission's full-time place name officer is available to work with groups interested in enhancing the coverage for particular areas, including the marine historic environment.

Q6.

We have asked a number of specific questions. If you have any related issues that we have not specifically addressed, please raise them here.

Summary of additional comments

45. Twenty-one respondents made additional comments. Those directly relevant to earlier questions have been considered during the analysis of those aspects.
46. A number of respondents welcomed the recognition that the guidance document gives to the range of threats that impact on the marine historic environment ranging from climate change to the illegal removal of materials. Some were concerned, though, that there is a particular threat of illegal removal of artefacts from newly discovered sites and remarked that the guidance should be more explicit about the difference between legal and illegal salvage. They also thought that greater emphasis should be placed on the harm caused by illegal activities.

47. Three respondents commented that the costs of licences and consents can be prohibitive for smaller businesses and individuals and that potential sources of grant aid should be promoted.
48. Two respondents asked that the use of Archwilio and Coflein be clarified as they should not be used in the development management or planning process.
49. One respondent suggested that social media could be used as a tool to encourage the protection of the marine historic environment and the sea more generally whilst also providing useful information.

The Welsh Government response

50. The Welsh Government has carefully considered the suggestions made and amended the text to enhance and clarify information where appropriate. Greater prominence has been given to the range and effects of threats that can impact on the marine historic environment.
51. *Planning Policy Wales* already sets out the requirement for the use of historic environment records in development planning and that advice on their use should be sought from the Welsh archaeological trusts. The guidance has been amended to repeat this advice.

Pupils 2 Parliament

52. We are particularly grateful to Pupils 2 Parliament and the children from Knighton Church in Wales Primary School, Powys, for their contribution to the consultation. The insight provided by the children was both interesting and helpful. The suggestions, comments and views showed a real appreciation for the marine historic environment and the need to provide protection in order to secure its future. Particularly thought-provoking were the children's ideas about how we could make people more interested in and concerned about looking after the marine historic environment. There were many ideas about how to improve the presentation of historical information and material and the need for people to be guided to discover a better understanding of more things under the water and along the shoreline. Other ideas were the opportunities to use social media and underwater cameras to bring pictures of wrecks and other things under the sea to people more generally.

List of respondents

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).

No.	Name	Location
001	Office of the Future Generations Commissioner for Wales	Cardiff
002	John Les Tomos	Flintshire
003	James Davies	Not provided
004	Professional Association of Diving Instructors	Bristol
005	Anonymity requested	London
006	Society of Antiquaries of London	London
007	Offshore Petroleum Regulator for Environment & Decommissioning, Department for Business, Energy and Industrial Strategy	Aberdeen
008	Glamorgan Gwent Archaeological Trust	Swansea
009	Dyfed Archaeological Trust	Llandeilo
010	Isle of Anglesey County Council	Llangefni
011	Wessex Archaeology	Wiltshire
012	Chartered Institute for Archaeologists Cymru Wales	Not provided
013	Newport City Council	Newport
014	Natural Resources Wales	Bangor
015	Joint Nautical Archaeology Policy Committee	West Sussex
016	Royal Town Planning Institute Cymru	Cardiff
017	Pupils 2 Parliament — Knighton Church in Wales Primary School	Knighton
018	Dr Sian Rees	Raglan
019	Friends of Pembrokeshire Coast National Park	Haverfordwest
020	Historic England	London
021	Chartered Institute for Archaeologists	Reading
022	Dr Hayley Roberts	Bangor
023	Royal Commission on the Ancient and Historical Monuments of Wales	Aberystwyth
024	Welsh Place Name Society	Not provided
025	National Trust	Newport
026	Incomplete	
027	Incomplete	
028	Incomplete	
029	Incomplete	
030	Incomplete	
031	Elinor Gwynn, Aberystwyth University	Aberystwyth