

## REPORT OF BUILDING CONSERVATION OFFICER

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### **SUBJECT: RESPONSE TO WELSH GOVERNMENT CONSULTATION ON THE PROPOSED HERITAGE BILL FOR WALES (THE FUTURE OF OUR PAST)**

#### Purpose of Report

To consider and approve the Authority's response to the Welsh Government's consultation on the proposed Heritage Bill for Wales.

#### Background

The consultation sets out the Welsh Government's policy and legislation proposals to improve the protection and the sustainable management of the historic environment of Wales. It also outlines options and proposals for changes to the delivery of historic environment services on national, regional and local levels.

Legislation on ancient monuments was first enacted in 1882, that for listed buildings in 1947. The relevant Acts in force are the Ancient Monuments and Archaeological Areas Act (1979) and the Planning (Listed Buildings and Conservation Areas) Act 1990. These are supported by Welsh Office Circulars 60/96 (Archaeology), 61/96 (Historic Buildings and Conservation Areas) and 1/98 (Directions by the Secretary of State for Wales).

There are currently over 4000 scheduled ancient monuments in Wales (280 in the PCNP), nearly 30,000 listed buildings (1249 in the PCNP) and over 500 historic conservation areas (14 in the PCNP).

#### The Consultation Paper (The Future of Our Past)

With respect to the drafting of the Heritage Bill, Cadw has consulted widely during the last two years and PCNPA officers have attended various events where views and ideas were gathered. The general view was that the current system of legislation and guidance is fairly robust and working well, with no great appetite for change.

Arising from the consultation were two detailed reports. The first, prepared by Ove Arup and Partners, explored current practice and the likely effects of new legislation/guidance on heritage partnership agreements and on the identification and protection of historic areas and historic assets of local significance. The second, prepared by Hyder Consulting/Davies Sutton examined three possible models for collaborative delivery of historic conservation services in the future. These reports, together with further consultation have informed the proposals considered in the consultation paper.

The Heritage Bill aims to contribute to the delivery of five principal outcomes:-

1. **To improve protection** – by ensuring that what is significant to the people of Wales is identified, understood, appreciated and sustained.

2. **To increase flexibility in the system** – by introducing new mechanisms for the positive management of the Welsh historic environment
3. **To improve accountability and transparency** – by making the system of designation clearer and further acknowledging the rights of owners.
4. **To streamline and harmonise regimes** – by co-ordinating some provisions governing listed buildings and scheduled ancient monuments and removing some existing anomalies.
5. **To strengthen the delivery of historic environment services** – by ensuring the continued effective management and conservation of historic assets in Wales.

To support these outcomes, a revision of policy guidance is proposed.

## **RECOMMENDATION**

**That Members approve the attached consultation response to the Welsh Government's consultation on the proposed Heritage Bill for Wales (The Future of Our Past)**

Background Documents -

[www.wales.gov.uk/consultations/cultureandsport/heritage-bill](http://www.wales.gov.uk/consultations/cultureandsport/heritage-bill)

and

<http://wales.gov.uk/docs/drah/consultation/130718heritagebillen.pdf>

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*Consultees: Director of Park Direction and Planning, Head of Development Management, Culture and Heritage Manager*

# 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:  
[cadwheritagebill@wales.gsi.gov.uk](mailto:cadwheritagebill@wales.gsi.gov.uk)

Postal responses should be sent to:  
Heritage Bill Team  
Cadw  
Welsh Government  
Plas Carew  
Unit 5/7 Cefn Coed  
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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.

<b>Q1</b> Do you agree with proposal P1?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Comment
It is important to protect such sites for future generations and designation will allow for controlled investigation and continued protection.

#### 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.

<b>Q2</b> Would proposal P2 improve the existing system for the designation of listed buildings?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Comment
Generally, the quality of Cadw's list descriptions is very good, but this proposal would certainly add further clarity to new listings, few though they are likely to be post resurvey. This would also ensure that listed building applications and queries are dealt with more speedily.

<b>Q3</b> Do you agree with proposal P3?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Comment
The proposal effectively 'doubles' as spot listing if the building in question was considered to be of sufficient importance by Cadw. A clear outcome is desirable in each case.

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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.

<b>Q4</b> Do you agree with proposals P4, P5 and P6?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Comment			
P4 is acceptable and has the benefit of making owners and occupiers aware of the significance of their property. On the other hand, this could offer the opportunity to legitimately undertake damaging works which could negate listing. The interim protection measure outlined in P5 should state that the Welsh Ministers 'should introduce interim protection.. P4 is only acceptable if P5 is robust.			
P6 is about process and such a structure would be useful. However, the proposal lacks basic detail - who for example will review decisions/check process?			

### Marine heritage

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

<b>Q5</b> Do you agree with proposal P7?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
Marine historic assets are just as potentially important as land-based ones.			

### Historic areas — general

**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.

## The future of our past: Consultation response form

<b>Q6</b> 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"/>
<p>Comment</p> <p>The registers are of excellent quality and consolidating them on-line is welcomed. It is essential that the registers of parks and gardens are given statutory force to protect them.</p> <p>This would be a more user-friendly and comprehensive way of collating the registers.</p>			

### 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.

<b>Q7</b> Do you agree with proposals P9, P10 and P11?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<p>Comment</p> <p>The proposals give the registers added value, making them more user-friendly</p> <p>P10 agreed. This could be registered as a charge on the land.</p> <p>P11 agreed with the proviso that both consultees are advised that responses must be received within a certain time-frame and are noted as formal (statutory) consultations</p>			

### 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.

## The future of our past: Consultation response form

- 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 effective in delivering the sustainable management of historic landscapes.

<b>Q8</b> Do you agree with proposals P12, P13 and P14?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comment	
These proposals give the historic landscapes registers added value, as well as the opportunity to designate new areas and review existing ones. It also sees them as being valued within the context of natural resource management. Both historic landscapes and historic parks/gardens should have similar procedures and status.	

### 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.

<b>Q9</b> Do you agree with proposals P15, P16 and P17?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comment	
Awareness of battlefields and their historic importance are often overlooked. Additional guidance/dissemination of information is welcomed. However if part of the same register as parks, gardens and landscapes, they should be afforded the same procedural status as set out in Qs7-8 above.	

### World Heritage Sites

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

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

<b>Q10</b> 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 checked="" type="checkbox"/>
Please give details.			
We have no World Heritage Sites in the PCNP			

<b>Q11</b> What functions do LPAs exercise that could affect the outstanding universal value of World Heritage Sites?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please give details.			
NPA's functions include planning, education and interpretation.			

<b>Q12</b> 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 checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please give details.			
NPAs can use their education/tourism role to highlight importance of World Heritage Sites			

<b>Q13</b> Which decisions made by public bodies other than LPAs are capable of having an impact on the outstanding universal value of World Heritage Sites?			
See Q. 11			

<b>Q14</b> How should World Heritage Site status rank in decisions taken by public bodies?			
In the context of NPAS, there is a clear link to our purposes and duties as set out in Sections 61 and 62 of the Environment Act (1995)			

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<b>Q15</b> 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
Please give details.	
World Heritage status would ensure that these sites are developed with the long term benefits being key considerations.	

### 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.

<b>Q16</b> Do you agree with proposals P20 and P21?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please give details.	
A consistent methodology for identifying and reviewing conservation areas is to be welcomed and would be of great use to local planning authorities. Management of conservation areas would benefit from measures such as the encouragement of Article 4 control as a pre-emptive rather than a reactive measure. However, unless this is considered under planning legislation, further 'guidance' and characterisation reports are likely to be superfluous.	
We agree with P21	

#### 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.

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**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.

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

Whilst this (P22) would have value in terms of raising awareness, without some sort of statutory protection, historic assets of local significance could be compromised through permitted development rights etc. In this context, the resources needed for P23 would seem disproportionate, except perhaps in conservation areas where well-publicized proposals highlighting buildings of local importance could be a material planning consideration through supplementary planning guidance (or Article 4 control). In our experience, regional collaboration works best through active bodies such as civic societies informing the planning process formally and informally.

There is a danger that this proposal will put in place another layer of designation which has no teeth and is therefore superfluous. The former Grade III listed buildings are a case in point.

In terms of P24, we have a criteria-based policy (LDP Policy 14) on buildings of local importance. This policy-based approach has proven to be effective and objective.

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

This is dependent on the existence of relevant bodies at a local level and the agreement of basic criteria for consistent assessment. On a reactive level, some bodies (e.g. civic societies) tend to provide useful information during the planning process, often informing the outcome.

Many local organizations hold invaluable information and we would encourage the formulation of a model for inputting local information into national databases, chiefly that held by the Royal Commission (e.g. Coflein). This would be a more effective dissemination of valuable information, potentially available to all - and it could form a national initiative.

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

This should include a model for inputting information into the national archive, held by the RCAMHW. Given the increased complexity of the planning system, we would be hesitant to add further strain on limited resources.

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

At two levels, via the planning process and also raising awareness at a local level. As such, characterisation studies should be easily accessible in their form and content, but as noted in Q16, we question the value of pure characterization statements without 'teeth' for implementation or use as material consideration.

### 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.

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<b>Q21</b> Do you think HPAs would be useful in Wales?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Comment			
<p>We prefer the system of early consultation/pre-application and the provision of consistent advice, which typically provides a five-year time-frame for implementation of works.</p> <p>There are relatively few large organizations within the PCNP. One of the largest is the Ministry of Defence with whom we already have management arrangements in place: we see little need for HPAs, which could become more onerous to manage than using current process.</p>			

### 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.

<b>Q22</b> Do you agree with proposals P27, P28 and P29?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
<p>P27-29 are welcomed.</p> <p>With regard to P29, this Authority actively promotes early discussion on proposals affecting listed buildings or conservation areas. There is no doubt that time spent at this stage is worthwhile in terms of speeding up the process for applicants and officers, as well as establishing good working relationships, widening knowledge and influencing the proposals. This is a critical stage in the application process.</p>			

- 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.
- P31** To explore introducing a system that would give applicants a formal assurance that proposed works on a listed building do not require LBC.

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**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.

**Q23** Consultees are asked to discuss the merits of proposals P30, P31 and P32, giving particular regard to:

- 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.

We were fortunate to be awarded listed building delegation in July 2012 and are of the view that the system offers sufficient protection to historic buildings and reduces delays for applicants. Delegation must be underpinned by regular rigorous monitoring and reporting.

P31-32 offer clarification to applicants of what they can and can't do and this is to be welcomed

**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?

Any such list would be conditional on the need to retain features of importance and may include the refitting of kitchens, bathrooms, wiring, plumbing, temporary and emergency works, garden works and planting etc. This advice could be included within the revised policy document and could be similar to the works listed in the General Development Order.

To avoid inconsistency, further advice is required on what constitutes 'character' in certain cases - for example with altered buildings listed for group value, reinstating original detailing is seen by some professionals as altering character and requiring consent - and others, as a form of repair.

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**Q25** Are there any other measures that would help to overcome present weaknesses in the system?

Owners of buildings with modern misrepairs carried out prior to listing should be encouraged to reinstate lost detail where evidence exists - rather than solely rely on the default position of replacing 'like for like' - especially important in a listed terrace of houses for example.

### 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.

**Q26** Do you agree with proposal P33?

Yes

No

Comment

For ecclesiastical exemption to be fully effective depends on the level of expertise within denominational committees and regular review of such by the Welsh Government. An updated Order is welcomed, which should advocate more formal consultation with LPAs/NPAs on casework.

It should be noted that some christian demoninations and non-christian religions do not have the priviledge of exemption and in future this could become a cause for concern regarding discrimination.

### Unauthorised works to listed buildings

**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.

## The future of our past: Consultation response form

<b>Q27</b> Do you see merit in introducing temporary stop notices in Wales?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
<p>We strongly support P34 and P35 both in terms of preventing damage to listed buildings and creating pre-emptive publicity.</p>			

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

<b>Q29</b> 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 checked="" type="checkbox"/>
Please give details.			

<b>Q30</b> Would higher fines act as an effective deterrent to unauthorised works to listed buildings?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
<p>Any fine would have to be commensurate with the benefit/value that undertaking the unauthorised works has to the offender, as well as the cost of the damage to the wider society.</p> <p>In addition, magistrates will require greater training to understand the value of historic buildings and the setting of appropriate fines.</p>			

### 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.

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

Funding is critical. Where owners are cooperative, relatively small grants for emergency repairs could 'stop the rot' until a more permanent solution is found. There should also be guidance on the types of works deemed properly urgent and temporary, obviating the need for applying for listed building consent and consequent delays.

The all-Wales condition survey is an excellent initiative and we have benefitted from it. Perhaps the need for further review should now be balanced against targetting resources towards the buildings themselves.

**Q32** Do you agree with proposal P39?

Yes

No

Comment

This is an obvious target, already being implemented by Cadw, but could be more targeted at buildings which have a high public profile/benefit capable of attracting match-funding and immediate reuse.

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<b>Q33</b> 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
Comment	
In addition, the new Act should consider easier mechanisms for the recovery of costs incurred in serving notices and undertaking works. Anecdotally, this issue alone limits the issue of urgent works and repairs notices due to the decreasing financial resources of local authorities.	

### 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.
- 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.

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<b>Q34</b> Do you agree with proposals P41, P42, P43, P44, P45 and P46?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
It is not clear how far these measures could become the remit of LPAs - which could have resource implications. P46 is ambiguous as worded and should include a list of the intended means of communication, which must be on a recorded basis.			

### 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..
- 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.

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<b>Q35</b> 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			
We agree with this proposal and look forward to further consultations. This would potentially give more continuity than the current situation of strategies changing with each new Minister.			

<b>Q36</b> Do you think that four years is the correct interval for the development of such plans?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
How do you think they can best be developed and delivered?			
8-10 years would be more realistic and allow better continuity.			

<b>Q37</b> Do you agree that there should be a new historic environment advisory panel?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If so, what would you see as the key roles for the proposed panel?			
We do not see the need for an extra panel - there appears to be scope for consideration of strategic policy within existing roles e.g. the Historic Environment Group.			

<b>Q38</b> 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 checked="" type="checkbox"/>
Please elaborate.			
The existing system of adjudication appears to be adequate.			

## The future of our past: Consultation response form

**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.

At present, the 'heritage' role across Wales is undertaken by Cadw, the RCAHMW and the regional archeological trusts. The merger of the RCAHMW's functions with those of Cadw has now been agreed in principle (although no business case appears to have been concluded) and we would strongly support the option of a merger between the two bodies outside of government, the new body being an independent body with charitable status (as per option 3, page 54). This is conditional on the ongoing maintenance and development of the national archive held by the RCAMHW and its ongoing role in terms of investigation, interpretation and publication. Such an option would provide greater flexibility for operation and could generate greater funding.

There is much to be said for a national heritage body for Wales, provided that the current level and range of expertise is maintained, the body is easily accessible to professionals and the public, and that greater freedom to develop is allowed outside of government control. If a merger within government is the final outcome, then the retention of the RCAMHW as a sponsored body with specific functions is necessary.

Reform must also address the future of the regional archaeological trusts and consider better streamlining of their functions with a national body, removing any unnecessary duplication of roles. It is unclear why the trusts get so little mention in the context of proposed heritage reform.

## The future of our past: Consultation response form

<b>Q40</b> Do you agree that proposals P50 and P51 would provide effective protection for the current key functions of the RCAHMW?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If not, what other measures do you believe could be considered? What issues might arise?			
<p>P50 and P51 fragment the holistic role of the RCAHMW and implies an 'either or' approach. The National Monuments Record is a unique and superb asset, and it relies on ongoing survey, investigation and interpretation for its continued existence. Correspondingly, there needs to be a definition of the duties currently performed by Cadw</p>			

<b>Q41</b> Do you agree with proposal P52?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
<p>We strongly agree with P52 - an online record for all designations would be an asset for all and is urgently required.</p>			

<b>Q42</b> Do you agree with proposal P53			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
<p>This is a sensible proposal.</p>			

### 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.

## The future of our past: Consultation response form

<b>Q43</b> Do you agree with the need to establish more formal agreements between groups of local authority conservation services?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<p>Comment</p> <p>There is the opportunity for officers with delegated status to share resources, ideas and experience. In the case of the three Welsh National Parks, there could be a more formalized mechanism whereby services are shared.,</p>			

<b>Q44</b> Do you agree that such agreements should cover the areas suggested in 4.43 above?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<p>What other areas might such agreements cover?</p> <p>We agree that such agreements are on the stated premise that relevant staff will remain in their current locations . Arrangements for formally sharing ideas and service provisions are welcomed.</p>			

<b>Q45</b> Do you agree with proposal P55?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<p>If so, how can this be achieved?</p> <p>Consideration should be made of combining the Historic Environment Records maintained by the regional Archaeological Trusts with the national database currently maintained by the RCAHMW. Given the advances in digital technology, there seems to be no need for regional databases, given the drive to create a single heritage body for Wales.</p>			

### **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.

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**Q46** Do you agree with proposal P56?

Yes

No

If yes, what form do you think such a network might take and how do you think it could be funded?

We agree with the principle of this. A two-speed approach could concentrate on a promotional basis with a more focussed and proactive approach on e.g. 'underwriting' proactive local heritage bodies with formal/charitable status.

**Q47** Do you agree with proposal P57?

Yes

No

What form do you think such a trust or trusts could take and how could funding be provided?

We agree in principle, although arguably trusts need to operate independently of government. Some seed funding to support development could be useful.

**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.

A recurrent weakness in legislation concerns buildings which are both listed and scheduled. The pre-eminence of the scheduling legislation (operated by Cadw) prohibits the use of enforcement powers at a local level and there has only been one successful prosecution under the scheduled ancient monument legislation in 25 years. This is an anachronism and we would wish to see a more streamlined system of legislation developed.

A fundamental issue is the future of resources for managing the heritage in Wales. Much has been made in the consultation document about forming groups and panels and involving the third sector. The reality is that expertise across Wales has always been thin and many local planning authorities are already at capacity coping with core duties.

**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.**