

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.

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2 Identifying significance

Identifying and protecting historic assets of national significance

Scheduled ancient monuments

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

Q1 Do you agree with proposal P1?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comment	
This is an essential and welcome extension of the potential for designation. Care will need to be taken in definition, and in ensuring that the extent of such areas are justifiable.	

Listed Buildings

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

Q2 Would proposal P2 improve the existing system for the designation of listed buildings?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comment	
It would need to be made clear that elements of the building or curtilage that are not specifically mentioned in the listing description are not seen as undesignated. The ad hoc nature of the proposed programme for upgrading the listing descriptions (as stated in paragraph 2.18 of the consultation document) could lead to inconsistencies in planning decisions during this transition period (potentially several years). This could be mitigated by making it clear that everything within and attached to a listed building and its curtilage was automatically protected by the legislation until re-assessment had occurred.	

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Q3 Do you agree with proposal P3?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
<p>Whilst this is broadly acceptable, care would need to be taken that any relaxation did not provide a mechanism to avoid legitimate reasons for listing. There should be a mechanism for public consultation in respect of applications for immunity.</p>			

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Designations — consultation and review

P4 To formally consult owners (where known), LPAs and other parties with a particular interest in a historic building or ancient monument on all applications for designations which are considered by the Welsh Ministers to meet the criteria.

P5 To consider introducing interim protection for ancient monuments and historic buildings that Welsh Ministers are minded to designate.

P6 To create a structure for the review of a decision on the designation of a historic building or ancient monument.

Q4	Do you agree with proposals P4, P5 and P6?		
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
P4. Consultation is an excellent principle, but this has the potential to slow down the process of designation. The consultation period should be time-limited and bound by transparent protocols.			
P5. Interim protection measures are essential if this process is going to work. Sites identified should be designated at the outset, before the consultation process begins.			
P6. Initiation of a formal review process would need to be justified against set criteria. Careful consideration should be given to the weight of opinion expressed during the review. Expert professional analysis of significance should be the primary factor in determining whether or not - and at what level - an historic building or ancient monument is designated.			

Marine heritage

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

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Q5	Do you agree with proposal P7?		
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
<p>Simplification of the system, and making benign public access to marine sites easier, is to be welcomed in principle. However scheduling would not, of itself, prevent damage or loss to marine sites and so there may be issues around resourcing the monitoring of, and protection for, such sites. Adoption of the broader definition of scheduling set out in P1 above would permit designation of wreck debris fields, submerged landscapes and the like; however there are practical concerns around issues of mapping and monitoring the movement of such features which would need to be taken into account.</p> <p>Removal of designation under the Protection of Wrecks Act should only be undertaken after detailed consultation with relevant organisations.</p>			

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.

Q6	Do you agree that an online unified Register of Areas of Special Historic Interest in Wales would be beneficial?		
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
<p>A unified register makes a great deal of sense, although there are variations in quality and coverage of the different registers which would need to be addressed through the process of unification. Consideration might also be given to including Conservation Areas in such a register, since these also constitute 'Areas of Special Historic Interest' (see also responses to P20 and P21 below); a unified register could also include World Heritage Sites and indeed Scheduled Ancient Monuments.</p> <p>Comments at Q7 and Q8 below also apply here.</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.

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

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

Q7 Do you agree with proposals P9, P10 and P11?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comment	
Maintenance of the register should be a statutory duty of Welsh Government.	
Inclusion of an historic park or garden on the register does not confer protection (other than where individual elements may be listed and/or fall within Conservation Areas), and any attempt to strengthen protection in this area would be an improvement. A requirement for LPAs to consult Cadw and other relevant bodies is to be welcomed, although further consideration needs to be given to the technical details of how this would actually work.	
Making owners aware of designation could be made a compulsory part of the legal conveyancing system.	
Comments at Q6 above and Q8 below also apply here.	

Historic areas — landscapes

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

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

P14 To work alongside colleagues elsewhere in Welsh Government to ensure that the proposed natural resource management approach is effective in delivering the sustainable management of historic landscapes.

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Q8 Do you agree with proposals P12, P13 and P14?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
<p>Close co-operation between the historic environment and natural environment sectors is essential to ensure a consistent approach to historic landscapes. Existing methodologies could be adapted to develop a unified approach to understanding, conserving and managing historic landscapes.</p> <p>Use of existing Historic Environment Records would be an effective way of curating the register, and this would also enable greater consistency of planning responses to be achieved (see also comments at Q41 below).</p> <p>Comments at Q6 and Q7 above also apply here.</p>			

Historic areas — battlefields

- P15** To create and maintain a register of historic battlefields (part 3 of the proposed unified 'Register of Areas of Special Historic Interest in Wales') and to publish the criteria against which candidate sites are assessed.
- P16** To explore ways of making successive owners aware of register entries.
- P17** To produce planning guidance for the protection and sustainable management of both Tier 1 and Tier 2 sites on the register of historic battlefields.

Q9 Do you agree with proposals P15, P16 and P17?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
See comments at Q6, Q7 and Q8 above.			

World Heritage Sites

- P18** To explore ways of ensuring that public bodies give appropriate consideration to World Heritage Sites in Wales.
- P19** To publish guidance that would help local planning authorities (LPAs) take account of the qualities of World Heritage Sites.

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Q10 Do you have examples of instances where, in your view, proper consideration has not been given to the outstanding universal value of a World Heritage Site?

Yes No

Please give details.

The Clwyd-Powys Archaeological Trust has limited experience of Welsh examples. However the following examples from England are represented in the recent experience of Clwyd-Powys Archaeological Trust staff and are offered for consideration.

1. Ironbridge WHS has seen the OUV potentially compromised by insufficient resources being made available by the LPA. This has resulted in poor-quality or even non-existent decision making, including the persistent lack of a full-time Conservation Officer at a suitable level of seniority within the LPA. Examples of the consequences include: execution of public realm works using inappropriate and/or inconsistent materials; cumulative impact on OUV by piecemeal approval of replacement windows and doors in non-traditional styles and in modern materials; insufficient consideration being given to archaeological investigation and recording of intrusive works.

2. Liverpool WHS has seen the OUV potentially compromised by LPA plans which would have seen the 'Three Graces' surrounded by development of inappropriate scale and character which would have compromised the historic urban setting of these buildings. This led to a serious expression of concern by UNESCO.

Q11 What functions do LPAs exercise that could affect the outstanding universal value of World Heritage Sites?

Yes No

Please give details.

Policy frameworks (Local Development Plans), supplementary guidance, development control within and around the WHS, Listed Building and Conservation Area Consents (where relevant).

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Q12 Could LPAs change the way in which they exercise their functions to contribute positively to the preservation of the outstanding universal value of World Heritage Sites?

Yes

No

Please give details.

In the absence of any current or forthcoming change in the legal status of WHS, the boundaries of Conservation Areas should be adjusted so that they are contiguous with those of the WHS. Consideration should also be given to using Conservation Area designation as a mechanism for protecting buffer zones.

As noted at Q10 above, adequate resourcing needs to be ensured. Support from Welsh Government could also be improved, in particular through the provision of specific and consistent guidance for planning policy and decision-making.

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

- Scheduled Ancient Monuments (Cadw)
- Natural environment protection / management, including agri-environment schemes (NRW)
- Utilities, highways and mineral extraction (Welsh Government or Crown)
- Other UK-wide strategic infrastructure projects, such as high-speed rail links and airport infrastructure (Westminster)
- Creation or enhancement of military facilities and training areas (MoD)
- Future developments outside Wales may impact on the setting of WHS in Wales

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

At the highest level.

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Q15 Would giving proper consideration to their outstanding universal value be likely to have a significant impact on development within World Heritage Sites or their settings?			
Yes <input type="checkbox"/>	<input checked="" type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
Please give details.			
There is an opportunity for Wales to take the lead within the UK in securing the formal recognition of World Heritage status in primary legislation, and thus mitigate some of the concerns expressed at Q10, Q12 and Q13 above.			

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.

Q16 Do you agree with proposals P20 and P21?			
Yes <input type="checkbox"/>	<input checked="" type="checkbox"/>	No <input type="checkbox"/>	<input checked="" type="checkbox"/>
Please give details.			
The Clwyd-Powys Archaeological Trust disagrees with proposal P20 on the following grounds:			
P20. Disagree. Promotion of the use of characterisation as a tool to ensure preservation and enhancement of Conservation Areas is to be welcomed. However resourcing for this is already an issue, and will continue to be so. Whilst there is scope for local groups to become more involved in this process, professional support and validation (whether from within LPAs or outsourced by them) will continue to be required. Conservation Area Appraisals already offer an effective planning tool.			
The Clwyd-Powys Archaeological Trust agrees with proposal P21 with the following comment:			
P21. Agree. However careful consideration needs to be given to ensure that actions which currently require Conservation Area Consent are still subject to an appropriate level of scrutiny by LPAs. Making consent part of the planning process will enable the archaeological impact of works to be taken into account by archaeological Development Control officers.			

Historic assets of local significance

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

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

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

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

Q17 Do you believe that regional collaboration would be effective in identifying and protecting historic assets of local significance?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
<p>Collaboration would certainly be effective, however it is essential to make a clear distinction between 'local' and 'regional' to avoid potential overlap and confusion.</p> <p>The existing Historic Environment Records maintained by the Welsh Archaeological Trusts would provide an ideal mechanism for the creation and maintenance of local lists. They would also bridge the divide between 'regional' and 'local' approaches. The HERs already curate moderated user-generated content, and are easily accessible online. This would enable both professional and non-professional input into and engagement with the management of locally-significant historic assets. Use of the HERs would also address some of the concerns noted at P21 above. See also comments at Q41 below.</p>			

Q18 How could third sector organisations assist local authorities in identifying historic assets of local significance?	
<p>Third-sector organisations could assist in a variety of ways, from identifying assets at risk, through survey and analysis of individual assets, to the preparation of assessments and appraisals of character areas. Such work would need close oversight by professionals both within and outside LPAs, which would have resource implications.</p>	

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

Given that local significance is dependent on the identification of local characteristics, it is difficult to see how genuinely useful generic guidance could be produced.

Nevertheless there are some areas where guidance would be helpful. For example, measures to improve 'energy performance' of non-designated older housing stock can lead to the use of inappropriate materials and design which detracts from the character of individual buildings and groups of buildings.

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

Characterisation studies would be an enormously helpful tool, not only for managing historic assets and areas, but also as a means by which local people can engage with the process of heritage management more generally. This should lead to greater awareness of, and enthusiasm to protect, the wider historic environment.

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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Q21 Do you think HPAs would be useful in Wales?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
<p>HPAs are a good idea in principle, but practical issues have arisen with their implementation in England and these would need to be taken into account. Particular questions have been raised about the resource implications of preparing an HPA, their effectiveness in application, and the extent to which they could lead to inadequate protection of heritage assets affected by proposed works. Therefore HPAs should be targeted in areas where there are sufficient resources, and where long-term benefit to the heritage is clear.</p> <p>Given the 'holistic' approach which the production of HPAs is intended to encourage, all HPAs should be informed by a full Conservation Management Plan.</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.

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Q22 Do you agree with proposals P27, P28 and P29?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<p>Comment</p> <p>P27. Guidance on the requirements for LBC would be very helpful, and should also include information on when it is appropriate to obtain LBC for curtilage buildings and structures. Over-arching national guidance may need to be supported by regional or even LPA-specific guidance where particular building types or methods of construction require particular approaches.</p> <p>P29. The more widespread use of pre-application discussions is very welcome. The consistency of access to, and delivery of, pre-application advice across Wales perhaps needs to be reviewed. Consistent pre-application advice should be applied to all classes of designated heritage assets - please also see comments in relation to Scheduled Ancient Monuments on P45 at Q34 below.</p> <p>As a general point it should be borne in mind that Listed Buildings have an archaeological context, both above- and below-ground, and it is essential to take this into consideration and to allow for appropriate archaeological and building recording when looking at LBC.</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.
- 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.

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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.

P30. In principle this is welcome, but such a system would require an initial assessment of the standard of expertise of LPAs, training and support if the required standards were not met, and ongoing monitoring and review to ensure that standards were being maintained. This would have potentially quite considerable resourcing implications both for LPAs and for Cadw.

P31. It is not clear to what extent this would improve the present system.

P32. There is a clear precedent for the use of independent expertise in other areas of the historic environment sector (for example in archaeology), and so models exist to mitigate potential risks resulting from conflicts of interest.

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?

Potentially any work may have an adverse effect on the character of a listed building and its setting, and a great deal depends on the specifics both of the building and the intended works.

As noted above, archaeological considerations - both above- and below-ground - also need to be borne in mind when considering even relatively minor works, for example the installation of services.

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

Closer communication between LPA Conservation Officers and Development Control archaeologists in the Welsh Archaeological Trusts would ensure that the archaeological implications of alterations to listed buildings (such as the possibility of recording newly revealed features, or the potential to investigate associated below-ground deposits) are considered and, where necessary, mitigated.

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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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
There is some variation in the way in which exempt bodies currently deal with historic environment issues, and it would be prudent to undertake a review of the system as it currently operates in Wales before implementing any changes. Concerns have been raised internally within the Clwyd-Powys Archaeological Trust about aspects of development control and reporting in respect of exempt bodies, and it is hoped that a sufficiently wide-ranging consultation would accompany a review to allow the experiences of historic environment professionals operating both within and outside the Ecclesiastical Exemption regulations to be taken into account.			

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.

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

Q28 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.			

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

Q30 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>Fines should be commensurate with the financial benefits that could be gained by unauthorised development, and the cost of reinstatement should be borne by the offender in addition to any fine.</p> <p>Higher fines, and the imposition of reinstatement costs, should also be considered for damage to Scheduled Ancient Monuments (see also Q38 below).</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.
- 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.

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

P36. An inside-government body may be best-placed to ensure close collaboration between different Ministries and departments.

P37. There are clear resource implications here. It may be worth considering prioritising buildings most at risk, or developing a programme involving local groups and civic societies. Both options (which are not mutually exclusive) would still require professional resources - from Cadw, LPA Conservation Officers and other areas of the historic environment sector.

P38. Collaborative working in this area also needs to include the Welsh Archaeological Trusts, who maintain Historic Environment Records, provide Development Control advice, and undertake historic building recording and analysis.

Q32 Do you agree with proposal P39?

Yes

No

Comment

As a general principle, P39 has merit. The definition of 'most at risk' also needs to be informed by consideration of the significance of the building and its contribution to setting, as well as the longer-term viability of the proposed repairs in relation to the rest of the structure and its sustainable use. Two other potential issues also arise:

- buildings in a poor state of repair but which are not 'most at risk' may be excluded from funding at a stage when early intervention might in fact prevent more extensive work later on.

- there might be a temptation for owners to deliberately neglect routine maintenance and repair works in order to attract grant funding.

Q33 Would it be useful to extend the scope of urgent works notices to include occupied buildings, provided they are not in residential use?

Yes

No

Comment

All listed buildings at risk should be treated in the same way, regardless of whether they are occupied or not. It is not clear why buildings in residential occupation are excluded here.

Scheduled ancient monuments

P41 To look at options for introducing measures similar to listed building enforcement notices and (if required) the proposed temporary stop

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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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Q34 Do you agree with proposals P41, P42, P43, P44, P45 and P46?			
Yes	<input checked="" type="checkbox"/>	No	<input checked="" type="checkbox"/>
Comment			
<p>The Clwyd-Powys Archaeological Trust agrees with proposals P41, P42, P43 and P44, which are all very welcome. In addition, it should be noted that:</p> <ul style="list-style-type: none"> - ignorance of the Scheduled status of a monument should not be a defence in law - it should be a legal requirement that the Scheduled status of a monument is identified to new owners at the legal conveyancing stage - as noted at Q30 above, consideration should be given to enabling much higher fines and costs to be levied on those who damage Scheduled Ancient Monuments - these should be proportionate both to the added value of the property and to the cost of archaeological recovery and reinstatement of the monument <p>The Clwyd-Powys Archaeological Trust disagrees with proposals P45 and P46, on the following grounds.</p> <p>P45. Disagree. This potentially removes the possibility for pre-determination discussion, which has been seen as desirable in eliminating unnecessary or inappropriate applications for permission elsewhere in the consultation. The consistency of access to, and delivery of, pre-application advice across Wales perhaps needs to be reviewed. Consistent pre-application advice should be applied to all classes of designated heritage assets - please also see comments in relation to Listed Buildings on P29 at Q22 above.</p> <p>P46. Disagree. As worded here, this appears to open up the possibility of SMC being granted with no record of the nature and extent of works, nor of the details of monitoring arrangements, and adherence (or otherwise) to the conditions imposed. This would be detrimental to the success of subsequent legal proceedings in the event of any violation of the conditions of SMC. The meaning of 'other than in writing' needs clarification: if it refers to digital communication within the usual protocols then there is no problem; however if it means that SMC could be verbally agreed during a casual conversation with the Minister, then there is serious cause for concern. More detail is needed before the implications of this proposal can be properly considered.</p>			

4 Reviewing the organisational framework for historic environment services in Wales

Strengthening strategic partnerships

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- 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 RCAHMMW 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.

Q35	Do you agree with proposal P47 to develop regular strategic plans for the historic environment sector?		
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comment			
Such plans need to be genuinely strategic, and involve consultation with appropriate and relevant partner organisations.			

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Q36 Do you think that four years is the correct interval for the development of such plans?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
How do you think they can best be developed and delivered?			
<p>The development of such plans needs to take into account the strategies, policies and activities of the various organisations already operating in the historic environment sector. These include those represented on the Historic Environment Group, and strategic planning by the HEG as a whole also needs to be taken into account. Moreover, these strategic plans also need to relate to the work of the Strategic Co-Ordination Board and its various sub-groups.</p> <p>There is a danger that the creation of another tier of strategic planning could lead to confusion and overlap, so the mechanisms for developing and delivery of these plans needs careful consideration. Ideally these strategic plans should be high-level in scope and ambition and not be too concerned with matters of detail.</p>			

Q37 Do you agree that there should be a new historic environment advisory panel?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If so, what would you see as the key roles for the proposed panel?			
<p>A new Historic Environment Advisory Panel would only be necessary if the merger of Cadw and the Royal Commission resulted in a body that sat within government. This panel would need to be different to the existing HEG, in that it would consist of individuals rather than representatives of organisations.</p> <p>Key roles would include:</p> <ul style="list-style-type: none"> - Strategic review of national and regional historic environment policy and practice - Promulgation of advice and knowledge informed by best practice in Wales, the UK and elsewhere in the world - Specific advice on casework, including designation where appropriate - Engagement with other areas of public policy (for example natural environment, regeneration and education), to enable the historic environment sector to respond to other public-policy initiatives in a timely and effective manner - Consideration of ethics 			

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Q38 Can you suggest ways of ensuring that the panel provides the impartial arm's length perspective, where this is required, in relation to the delivery of public historic environment services at a national level in Wales?

Yes

No

Please elaborate.

The composition of the panel would need to be carefully balanced to ensure representation from public, private and third sectors.

Recruitment to the panel must be through an open and transparent advertisement and selection process. Appointments should be for a fixed term (and rotating, so that only half, or a third, of the panel would be reappointed at any one time); this would ensure continuity and independence from political timetables and ministerial changes.

The panel should operate under Nolan principles.

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.

The integrated nature of the new body is the most critical element, regardless of whether it is within or outside Welsh Government. It must retain existing functions in respect of heritage designation and protection, as well as the NMR and the survey and investigation functions of the present Royal Commission.

It should be noted that a detailed business case for either model has not been circulated at the time of this consultation. However on balance the advantages of a service operating inside government appear to be greater than those of a service operating outside government. These include:

- direct access to Ministers
- greater influence on public policy at a high level within the historic environment sector
- potentially greater influence in other areas of policy-making that will have impacts on the historic environment, such as the natural environment, infrastructure, regeneration, education, health and poverty alleviation

Although the consultation document notes that a body outside government would potentially have greater flexibility in terms of access to revenue, there is a risk of greater insecurity of income to the new body itself, and potential threats to partner organisations (such as the Welsh Archaeological Trusts) who are also reliant on similar revenue streams.

The perceived greater impartiality of advice from a body outside government has to be weighed against the greater influence that a body inside government would wield. The actual (rather than perceived) impartiality of advice from a body inside government would be ensured by the proposed Historic Environment Advisory Panel so in practice this would not be an issue.

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Q40 Do you agree that proposals P50 and P51 would provide effective protection for the current key functions of the RCAHMMW?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If not, what other measures do you believe could be considered? What issues might arise?	
The Clwyd-Powys Archaeological Trust considers that the continuation of the NMR and the research functions of the current RCAHMMW is essential. As currently worded, proposals P50 and P51 only 'consider whether to place a requirement' on the merged service to do so. This should be more strongly expressed: a requirement should certainly be placed on the new body to continue to undertake these functions.	

Q41 Do you agree with proposal P52?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comment	
This should be one of the core functions of the new body.	

Q42 Do you agree with proposal P53	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comment	
This would be extremely helpful, although the mechanisms for ensuring its delivery need careful consideration.	

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

Q43 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"/>
Comment			
<p>If more formal agreements enable a more consistent and coherent approach across Wales, support sufficient resourcing and prioritisation of conservation issues within LPAs, and deliver better outcomes for the historic environment, then this proposal is welcome.</p>			

Q44 Do you agree that such agreements should cover the areas suggested in 4.43 above?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
What other areas might such agreements cover?			
<p>There may be potential for the relationships between conservation-related historic environment professions and other historic environment professions to be made closer and more effective through such agreements.</p>			

Q45 Do you agree with proposal P55?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If so, how can this be achieved?			
<p>Maintenance and access of the Historic Environment Records should be a statutory obligation for LPAs. The current system, in which HERs are maintained by the Welsh Archaeological Trusts, should be retained. Mechanisms should also be put in place to ensure the provision of archaeological advice to LPAs from the Welsh Archaeological Trusts.</p> <p>Service standards for HERs also need to be defined with reference to the ALGAO benchmarks.</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?

This should be a 'light-touch' network, enabling and facilitating better communication between existing organisations and groups of organisations.

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?

There is some merit to this idea, but rather than creating an entirely new trust or series of trusts, the intended outcome might be more effectively achieved by developing closer co-ordination between existing charitable bodies in the sector. The network proposed at P56 would provide an appropriate mechanism to undertake this.

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.

The Heritage Bill and associated documents and actions represent a real opportunity to transform the way the historic environment is understood, conserved and managed in Wales. There is considerable potential to develop closer links within the historic environment profession and to strengthen a number of statutory obligations in respect of heritage assets. Care needs to be taken to ensure that the existing functions of both Cadw and the Royal Commission are not unduly compromised, and that the future of the Welsh Archaeological Trusts as curatorial and research bodies is not threatened.

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.