

# Report

## **Cabinet Member for Regeneration and Investment**

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### **Part 1**

Date: 3 November 2016

Item No:

**Subject** **Response to Welsh Government Consultation on Technical Advice Note 24: Historic Environment, Secondary legislation to support the Historic Environment (Wales) Act 2016 and draft guidance**

**Purpose** To outline the introduction of a new Technical Advice Note, Secondary Legislation and guidance that Welsh Government is seeking to introduce with regard to the historic environment and to respond to their consultation.

**Author** Planning Policy Manager

**Ward** All

**Summary** Welsh Government is seeking to introduce a new Technical Advice Note, Guidance and Secondary Legislation to support the recent introduction of the Historic Environment Act. Planning plays a significant role in the protection and conservation of the historic environment and their introduction will ensure the historic environment is well-protected and accessible. This consultation will have implications for the preparation of future Local Development Plans and the consideration of Listed Building Consents, Conservation Area Consents and some planning permissions.

**Proposal** **To respond to the Welsh Government Consultation paper as per the contents of this report and answers to specific questions set out in Appendices A and B.**

**Action by** Head of Regeneration, Investment and Housing

**Timetable** Immediate

This report was prepared after consultation with:

- Head of Law and Regulation (Monitoring Officer)
- Head of Finance (Chief Finance Officer)
- Head of People and Business Change
- Planning Policy Team

- Law and Regulation (Planning and Land)

**Signed**

## 1. Background

- 1.1 The Historic Environment (Wales) Act 2016 was enacted to make important improvements to the existing systems for the protection and management of the Welsh historic environment. The Act stands at the centre of an integrated package of secondary legislation, new and updated planning policy and advice, and best-practice guidance on a wide range of topics. Taken together, these will support and promote the careful management of change in the historic environment in accordance with current conservation philosophy and practice.
- 1.2 This consultation seeks views on:
- Secondary Legislation:**
- Regulations to set the interest rate for costs accrued from urgent works
  - Procedures to claim for compensation associated with temporary stop notices for scheduled monuments and listed buildings
  - Simplification of scheduled monument consent procedures
  - A requirement to include heritage impact statements as part of the application process for scheduled monument consent, listed building consent and conservation area consent.
- Guidance:**
- Managing Change to Listed Buildings in Wales
  - Managing Change in World Heritage Sites in Wales
  - Managing Conservation Areas in Wales
  - Managing Lists of Historic Assets of Special Local Interest in Wales
  - Setting of Historic Assets in Wales
- 1.3 All these documents and proposals have been developed as components of a wider programme to improve the protection and management of the Welsh historic environment that is linked to the implementation of the Historic Environment (Wales) Act 2016. All documents and proposals are the subject of this consultation response.

## 2. Consultation Responses

- 2.1 Full details of the consultation response concerning the proposed Secondary Legislation can be found in Appendix A of this report.
- 2.2 This Technical Advice Note is welcomed and is in the main supported. The consultation response concentrates on clarification of points raised within the TAN but is supportive of the overall purpose of the document. It should be noted that the comments provided do not include a response to the questions raised on World Heritage Sites because of the lack of such sites within Newport's authority boundary.
- 2.3 Comments include the need for amendments to the text to ensure the use of consistent language between legislation, planning policy and guidance. This ensures clarity in the application of heritage measures. The main points raised within the consultation response are set out within this paragraph; full detail can be viewed in Appendix A. The TAN does not mention the use of Archaeologically Sensitive Areas within the development plan system. This is a planning designation that can be utilised within a Local Development Plan and can aid in the sustainable management of such finite resources as archaeology and should be mentioned within this document. There is no mention of the new system of Heritage Partnership Agreements and it is considered that the TAN should note this new process of agreeing a number of proposed works to a site within one agreement which may save time and provide certainty for a complex site. The need to clarify that the

whole building is listed and that the list description is not a definitive list of parts of a building that need to be protected. Understanding the character and special character of a building is broader than this. The need to justify why a listed building could not be retained in a new development is supported and ensures that such considerations are clearly dealt with in the process. The need for increased sustainable methods of construction for fuel and power etc. is welcomed but that this is not at the expense of the special character and long term condition of the building, which itself has embodied energy. Finally, clarification as to what constitutes substantial demolition would be welcomed.

- 2.4 Full details of the consultation response concerning the proposed Secondary Legislation and Guidance documents can be found in Appendix B of this report.
- 2.5 The proposed Secondary Legislation set out within this consultation is supported. The proposed interest rates and levels of compensation are deemed appropriate. The introduction of Heritage Impact Assessments are welcomed and should ensure that information supplied within a HIA is suitable and thorough enough to enable a straightforward consenting process to occur. There is currently a lack of consideration and detail provided on the historic significance of a proposal from many applicants and this causes delay and unnecessary complication. The introduction of HIA will enable applicants a clear understanding of the level of detail and thought required when submitting applications for scheduled monument consent, listed building consent and conservation area consent.
- 2.6 The proposed guidance documents are welcomed and for each there are minor comments made concerning points of clarification and emphasis to strengthen the guidance. The main points are set out within this paragraph. It is considered that the replacement of the Design and Access Statement with Heritage Impact Assessments is better placed to get the information required for heritage type applications. The use of characterisation studies to create baseline evidence of a Conservation Area is considered worthwhile. This background study of the broader historic area can include assistance from external public groups who can buy into the process and the outcome of the assessment creates an understanding of the significance of an area which is beneficial to the planning process. It is considered that the creation of lists of historic assets of special local interest may raise expectations that such locally recognised buildings can be protected. In reality this is very difficult to achieve as well as their being worrying resource implications from this proposed action.
- 2.7 In conclusion, the Welsh Government documents and secondary legislation set out as part of this consultation are broadly welcomed but it is felt minor changes are required to ensure the best use of these proposals.

### **3. Financial Summary**

- 3.1 Responding to the consultation will have no financial implications on the Council. If the consultation proposals are approved as currently written, it is not likely to have any financial implications to the Council.

### **4. Risks**

<b>Risk</b>	<b>Impact of Risk if it occurs*</b>	<b>Probability of risk occurring</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its</b>	<b>Who is responsible for dealing</b>
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	(H/M/L)	(H/M/L)	effect	with the risk?
The Council does not respond and its views are not considered	M	L	Proposing a response to be submitted to Welsh Government	Planning Policy Manager
Risk of having unclear national planning policy, guidance and secondary legislation on the historic environment	L	L	Responding to the Welsh Government consultation to make the Council's views known.	Planning Policy Manager

\* Taking account of proposed mitigation measure

## 5. Links to Council Policies and Priorities

5.1 The LDP is one for the four statutory plans the Council has to produce. Ensuring an adopted plan is in place and is continually reviewed is a corporate priority. The Development Management service is also a statutory function of the Council. The introduction of a new TAN and new guidance will have implications for the preparation of future LDPs and the planning application determination process.

## 6. Options Available

6.1 The options available are:

- a) Respond to the Welsh Government as per the proposed response set out in Appendices A and B;
- b) Send an amended response to Welsh Government;
- c) Not to respond to the consultation.

## 7. Preferred Option and Why

7.1 Option a) is the preferred option for the reasons outlined in this report.

## 8. Comments of Chief Financial Officer

8.1 As noted in the report – responding to the consultation have no financial impacts and the changes recommended should also have no financial impact.

## 9. Comments of Monitoring Officer

9.1 There are no specific legal issues arising from the Report as the Welsh Government is simply seeking responses at this stage to its consultation document on the proposed new Technical Advice Note, Guidance and Secondary Legislation to support the new Historic Environment Act. The proposals are to be supported, in principle, albeit that there are a number of points of technical detail that need further clarification.

## **10. Staffing Implications: Comments of Head of People and Business Change**

- 10.1 Newport is fortunate to have some exceptional historic buildings and environments which contribute to the economic, social, cultural and environmental wellbeing of the city. Protection and conservation of the historic environment is therefore vital to ensure future generations will also benefit from it. The Welsh Government documents and secondary guidance will play a welcome part in this and the proposed response to the consultation will help ensure that the contents of the documents are correct.

## **11. Local issues**

- 11.1 The Planning Policy Wales applies across the whole of Newport

## **12. Scrutiny Committees**

- 12.1 No consultation has taken place with a Scrutiny Committee.

## **13. Equalities Impact Assessment**

- 13.1 This is a Welsh Government consultation.

## **14. Children and Families (Wales) Measure**

- 14.1 This is a Welsh Government consultation. It is not believed that Welsh Government has specifically targeted children and families to respond to this consultation.

## **15. Consultation**

- 15.1 Internal consultation has taken place within the Planning Policy Team which includes the Council's Conservation Officer. The Welsh Government is seeking responses by 3 October 2016.

## **16. Comments from Non Executive Members**

None received.

## **17. List of Appendices**

APPENDIX A: Proposed Council response to Secondary Legislation and Guidance  
APPENDIX B: Proposed Council response to Technical Advice Note 24: Historic Environment

Date: 3 November 2016

## Tan 24 Proposed Consultation Response

### CONSULTATION FORM

#### Technical Advice Note 24: The Historic Environment

We want to know your views on the proposed changes to the Welsh Government's planning policy on the historic environment.

Please submit your comments by 3 October 2016

If you have any queries on this consultation, please email: [planconsultations-b@wales.gsi.gov.uk](mailto:planconsultations-b@wales.gsi.gov.uk) or telephone: 029 2082 6802 / 3524

#### Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

#### Confidentiality

Responses to consultations may be made public on the internet or in a report.

**If you do not want your name and address to be shown on any documents we produce please indicate here**

**If you do not want your response to be shown in any document we produce please indicate here**

## CONSULTATION FORM

Technical Advice Note 24: The Historic Environment		
Date	29 <sup>th</sup> July 2016	
Name	Matthew Sharp	
Organisation	Newport City Council	
Address	Newport Civic Centre, Newport, NP204UR	
E-mail address	<a href="mailto:Ldp.consultation@newport.gov.uk">Ldp.consultation@newport.gov.uk</a>	
Telephone	01633 210058	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self-help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Q1	Do you agree that the approach taken achieves a balance between the sustainable management of change and the protection of the historic environment in Wales? If not, how do you think this can be done?	X
	Section 1 of the draft TAN contains advice on the sustainable management of change affecting the historic environment.	
	<b>Agree</b>	X
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
Paragraph 1.27 suggests that proposals affecting the setting of historic assets will be compared to the existing and not against some past scenario. It needs to be clear that this is only the case when the existing situation is lawful.		



<b>Q2</b>	<b>Do you agree that the advice regarding the relationship between nature conservation and the historic environment is clear? If not, how do you think the advice can be improved?</b>	<b>X</b>
	Section 1 of the draft TAN contains advice on the relationship between nature conservation and the historic environment.	
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	<b>X</b>
	<b>Disagree</b>	
<b>Further comments</b>		

<b>Q3</b>	<b>Do you agree that the advice to local planning authorities to develop locally distinctive policies and guidance on the historic environment is clear? If not, how can it be improved?</b>	<b>X</b>
	Section 2 of the draft TAN contains information on how the development plan process should consider the historic environment.	
	<b>Agree</b>	<b>X</b>
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	
<b>Further comments</b>		
On page 11 paragraph 2.3 the third bullet point. Suggest revising wording after 'category' to enable authorities to use their own registers or information as well as the All-Wales list.		

<b>Q4</b>	<b>Do you agree that the advice on how World Heritage Sites are to be considered in the planning process is clear? If not, how do you think this can be improved?</b>	<b>X</b>
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	Section 3 of the draft TAN contains information on World Heritage Sites.	
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	<b>X</b>
	<b>Disagree</b>	
<b>Further comments</b>		
N/A		

<b>Q5</b>	<p><b>Do you agree that the advice on how archaeological remains are to be considered through the planning process is clear? If not, how do you think the advice can be improved?</b></p> <p>Section 4 of the draft TAN contains information on archaeological remains.</p>	<b>X</b>
	<b>Agree</b>	
	<b>Neither Agree nor Disagree</b>	<b>X</b>
	<b>Disagree</b>	
<b>Further comments</b>		
<p>There is no mention of Archaeologically Sensitive Areas within the TAN which is a key planning consideration. The TAN goes straight into Development Management considerations and does not mention the way in which Development Plans can manage this resource.</p> <p>Para 4.2 It may be more suitable instead of using the term 'expert' another term such as qualified competent persons.</p>		

<b>Q6</b>	<p><b>Do you agree that the advice on how particular historic assets, namely 'historic parks and gardens' 'historic landscapes' and 'assets of special local interest', are to be considered through the planning process is clear? If not, how do you think the advice can be improved?</b></p> <p>Sections 7 to 8 of the draft TAN contain information on how such assets are to be considered through the planning process</p>	<b>X</b>
	<b>Agree</b>	<b>X</b>
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	

**Further comments**

Para. 7.3 states that proposals affecting a registered park and garden will require the relevant consent before work commences. Suggest that the term 'consent' is not quite right in this context and permission/consent may be required, but also this suggests that all work will require some form of consent when this is not actually the case.

<b>Q7</b>	<b>If you have any related issues which we have not addressed, please let us know.</b>	<b>X</b>
	<b>Agree</b>	<b>X</b>
	<b>Neither Agree nor Disagree</b>	
	<b>Disagree</b>	

**Further comments**

There is no mention of Heritage Partnership Agreements within the TAN. It is felt that at least a signpost to these agreements will ensure that such an approach is known to all parties.

The consistency of language is critical within all the documents, so that language is consistent between legislation, policy and guidance to avoid confusion.

Paragraph 5.5 where the Welsh Ministers propose to include a building on the list or remove them, it is noted that they must inform owners and occupiers, however, they also have to inform Local Planning Authorities and this is missing here.

Para 5.7 The text as written suggests that the list description explains why the building is of special interest. However this is not the case and to avoid confusion with applicants is suggested that the text is reworded. For example it could be amended to: List descriptions draw attention to those features of the building which led to listing, and may explain why the building is of special interest.

Para. 5.9 notes that there will be times when repairs and minor alterations may not require listed building consents which can be done with written agreement from the local authority. This would be likely to result in excessive paperwork and cause confusion to applicants as no formal agreement is technically required. Suggest rewording for those seeking minor works to seek advice from the local authority before undertaking work.

Para 5.14 by footnote 68, this suggests that the Design Commission for Wales are the only specialists but it is important to note the advantages and need for the involvement of specialist conservation professionals throughout the design process.

The last bullet point in para 5.15 notes that need to consider the reason why a listed building could not be retained in a new development. This is particularly welcomed.

Para 5.29 notes that local planning authorities should be sympathetic towards the alteration of listed buildings and help them meet the building regulations regarding the conservation of fuel and power. This should stress the need for such alteration to be carried out in a way that safeguards the special character of the building and does not compromise its condition in the longer term. It would also be useful to reference the embodied energy in buildings and the environmental benefits of the use of sustainable materials and the retention rather than replacement of historic fabric. Signposts to further guidance from sources such as the Sustainable Traditional Buildings Alliance (STBA) may also be helpful.

Para 6.11. The current wording seems a little contradictory as it states that demolition amounts to the

removal of a whole building, but then goes on to suggest that the removal of everything but a façade would also be demolition. There should perhaps be further discussion of the concept of “substantial demolition” and that there are other circumstances when consent might be required. Clarity as to what constitutes substantial demolition would be welcomed; this is possibly beyond the scope of a TAN, but further guidance might assist.

## How to respond

Please submit your comments by 3 October 2016, in any of the following ways:

Email	Post
<p>Please complete the consultation form and send it to : <a href="mailto:planconsultations-b@wales.gsi.gov.uk">planconsultations-b@wales.gsi.gov.uk</a> [Please include <b>Technical Advice Note 24: The Historic Environment</b>’ in the subject line]</p>	<p>Please complete the consultation form and send it to: TAN 24 Consultation Planning Policy Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p>

## Additional information

If you have any queries about this consultation, please contact:

Email: [planconsultations-b@wales.gsi.gov.uk](mailto:planconsultations-b@wales.gsi.gov.uk)

Telephone: 029 2082 **6802** / 3524

## Consultation on proposals for secondary legislation to support the Historic Environment (Wales) Act 2016 and various best-practice guidance documents

### Consultation response form

Since this 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 3 October 2016.

If you have any questions, please email:

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

or telephone:

01443 336091 / 01443 336090

<b>Data Protection</b>	
<p>Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.</p> <p>The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.</p> <p>Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.</p>	
<b>Consultation on proposals for secondary legislation to support the Historic Environment (Wales) Act 2016 and various best-practice guidance documents</b>	
<b>Date</b>	August 2016

<b>Name</b>	Matthew Sharp	
<b>Organisation</b>	Newport City Council	
<b>Address</b>	Civic Centre, Newport, NP204UR	
<b>Email address</b>	Ldp.consultation@newport.gov.uk	
<b>Telephone</b>	01633210067	
<b>Type</b> <i>(please select one from the following)</i>	Individual	
	Business	
	Local planning authority	/
	Government agency/Other public sector body	
	Professional body/Interest group	
	Voluntary sector (community group, volunteer group, self-help group, cooperative, enterprise, religious group, not-for-profit organisation)	
	Other group not listed above	

**Confidentiality — Responses to consultations may be made public on the internet or in a report.**

If you do not want your name and address to be shown in any documents that we produce, please indicate here

If you do not want your response to be shown in any documents that we produce, please indicate here

## Proposals for regulations and procedural changes

A. Regulations to set the interest rate for costs accrued from urgent works

<b>Q1.</b>	<b>Do you agree that the interest rate that should be included in regulations is the Bank of England Base Rate plus 2%?</b>		
	Yes	/	No

B. Procedure to claim for compensation associated with temporary stop notices for scheduled monuments and listed buildings

<b>Q2.</b>	<b>Do you agree with the time period in which a claim for compensation associated with a temporary stop notice must be made?</b>		
	Yes	/	No

C. Simplification of the scheduled monument consent process

<b>Q3.</b>	<b>Do you agree with the mechanism proposed for a simplified scheduled monument consent process for uncontentious works?</b>		
	Yes	/	No

## D. Heritage impact statements and associated guidance

<b>Q4.</b>	<b>Do you agree that a heritage impact statement should be required for every application for scheduled monument consent (unless otherwise agreed with the Welsh Ministers), listed building consent and conservation area consent?</b>		
	Yes	/	No

<b>Q5.</b>	<b>Do you agree that heritage impact statements should replace design and access statements for listed building consent applications?</b>		
	Yes	/	No
A Listed Building Consent requires detail and the HIA is better placed to get the information required for an application than the previous DAS was.			

<b>Q6.</b>	<b>Do you agree that an access statement should be required in any heritage impact statement where the proposed works would alter the means of access to or within a listed building?</b>		
	Yes	/	No
Yes, the equal access / or not needs to be clearly considered and where it cannot be achieved this is clearly justified.			

<b>Q7.</b>	<b>Do you agree with the proposed contents for a heritage impact statement?</b>		
	Yes	/	No
Subject to comments made in response to Q8 below, it seems that the contents are appropriate.			

<b>Q8.</b>	<b>Does the guidance, <i>Heritage Impact Assessment in Wales</i>, clearly articulate when, why and how to use the heritage impact assessment process and provide useful advice on the presentation of the heritage impact statement?</b>		
	Yes	/	No



The guidance is generally well presented and welcomed. However, the following observations are offered:

Whenever there is mention of early engagement with local authorities the majority of these queries will be through pre-application processes, this should be welcomed and encouraged. The fact that in some cases it may be mandatory should also be noted.

In section 1 (What is Heritage Impact Assessment?) the description should include reference to the need to provide justification for proposals.

The need to consider a site's setting is also important to note and a reference to relevant guidance would be welcome.

It is important that applicants are clear that it is not only the large obvious changes that matter but the detailed impact of elements such as the provision of necessary services, for example. These can also have a significant impact and are often overlooked. This message might be usefully reinforced in sections 3.4 and/or 3.5.

On page 10 paragraph 3, the text gives the option of contacting the LPA or Cadw. In practice it will mainly be appropriate to contact the LPA, so suggest putting in text 'relevant consenting authority' for clarity purposes.

Section 7 and example Tables – It is not clear where an applicant should set out the options that have been considered. It is agreed that the mitigation section is often the best place, but in many cases it should form part of the justification; this is not obvious to the reader at present, suggest stronger wording in this section.

In section 7 it is suggested that proposals for offsetting damage are a kind of mitigation. We feel that offsetting is a "last resort" which should only be considered when proposals are necessary and cannot be adequately mitigated. As such, this should be listed separately.

## Best-practice guidance documents

### E. *Managing Change to Listed Buildings in Wales*

<b>Q9.</b>	<b>Will <i>Managing Change to Listed Buildings in Wales</i> provide useful guidance for the owners of listed buildings and their agents?</b>		
	Yes	/	No

The guidance is generally well presented and welcome. However, the following observations are offered:

Last paragraph Page 1, A reference to guidance on settings seems appropriate here.

Page 2, first paragraph; suggest that the Local Planning Authority should be cited as a first point of enquiry, and that the specifics of the relevant criminal offence should be clearer.

Page 2, second paragraph, It is not clear what 'realistic' means in this context suggest removal of the term in favour of something to suggest that assessments should be well-informed.

Page 2 Significance, All too often we hear "only the front is listed" or suggestions that only those parts mentioned in the list description are significant. Could these myths be dispelled here?

It would also be useful to note that HIAs are a requirement when applying for Listed Building Consent.

2.1. Suggest there is a reference to guidance here.

2.4 would it be worth adding a suggestion that lost features can sometimes be reinstated? The comment on UPVC windows is rather specific and does not consider that poorly detailed components in other materials can also be very damaging.

3.1, it would be useful to specifically state that some materials or alterations can affect a building's ability to accommodate structural movement and also point out that elements such as windows/door frames can form an integral part of the structure of traditional buildings.

3.2 The reference to reports available from local planning authorities on the condition of buildings is considered misleading and likely to raise expectations; this would normally be based on nothing more than a very brief external visual survey. It would be extremely useful to stress the importance of using a specialist who is familiar with traditional buildings.

4.6 Is it worth mentioning enabling development here?

4.8 the section on energy-efficiency measures should reference the embodied energy in buildings and the environmental benefits of the use of sustainable materials and the retention rather than replacement of historic fabric. Signposts to further guidance from sources such as the Sustainable Traditional Buildings Alliance (STBA) may also be helpful.

5.3 It is useful to note the statutory pre-application service. The majority of Councils still provide a free service and this should be noted to encourage dialogue.

5.4 Listed Building Consent is additional to and separate from planning permission *and Building Regulations*. Suggested the last three words should be added.

5.5, second paragraph, suggest removing the term 'but no more than necessary' to encourage the applicant to supply the detail that is often missing in applications. Instead it might be useful to state that all the information provided on drawings or within supplementary information should be directly relevant to the subject of the application.

## F. *Managing Change in World Heritage Sites in Wales*

<b>Q10.</b>	<b>Will <i>Managing Change in World Heritage Sites in Wales</i> be effective in helping decision makers protect the Outstanding Universal Value of Welsh World Heritage Sites?</b>			
	Yes		No	
<p>We would be happy to defer to the comments of LPAs with more experience in the protection of World Heritage Sites.</p>				

<b>Q11.</b>	<b>Will the guidance assist in the consistent management of World Heritage Sites in Wales, especially those which are located in more than one local authority area?</b>			
	Yes		No	
<p>We would be happy to defer to the comments of LPAs with more experience in the management of World Heritage Sites.</p>				

## G. *Managing Conservation Areas in Wales*

<b>Q12.</b>	<b>Will <i>Managing Conservation Areas in Wales</i> encourage local planning authorities to adopt a consistent approach to conservation areas across Wales?</b>			
	Yes	/	No	
<p>The guidance is generally well presented and welcome. However, the following observations are offered:</p> <p>Statement of Purpose – This suggests that all LPAs have guidance documents on Conservation Areas, but this is not the case. Whilst advice should be available, the document could reinforce that the basic principles of preservation and enhancement are applicable in the absence of any specific written guidance.</p> <p>The use of characterisation studies as baseline evidence of a Conservation Area is a worthwhile task, which will increase knowledge and confirm boundary choices within its broader reflection of the historic areas of a town or city. Mention of such an approach could be mentioned here. There are known approaches such as that undertaken by Cadw and Civic Trust Wales Toolkit.</p> <p>Paragraph 6.2 talks about advertisement control, but does not mention the harm that can be caused by the erection of advertisements that do not ordinarily require consent. Discussion of the potential designation of areas of Special Advertisement Control would be welcomed.</p> <p>The guidance should enforce the principle that the values of conservation areas comprise much more than their aesthetics. There is a particular need to consider the communal, evidential and historic values of an area and the individual buildings within it. Throughout the document there could usefully be more cross-referencing to the basic principles of conservation as set out by Cadw's <i>Conservation Principles</i> and/or British Standard 7913.</p>				

## H. *Managing Lists of Historic Assets of Special Local Interest in Wales*

Q13.	Do the general principles and advice on good practice in <i>Managing Lists of Historic Assets of Special Local Interest in Wales</i> provide sufficient guidance for local planning authorities to set up and use local lists?		
	Yes	/	No
<p>The guidance is generally well presented and welcome. However, the following observations are offered:</p> <p>It is considered that the first “fast fact” is misleading and suggests that the LPA can easily protect such assets, though in many cases this is something that is very difficult to achieve. The fact could be seen to raise expectations which cannot be fulfilled by the LPA.</p> <p>Introduction, second paragraph, ‘this allows LPAs to manage change’ this statement is also challenged as there are limitations to what a LPA can do.</p> <p>3.1. There are clear and worrying resource implications from this section; suggest rethinking this section in light of these constraints.</p>			

## I. *Setting of Historic Assets in Wales*

Q14.	Does <i>Setting of Historic Assets in Wales</i> adequately explain why setting is important and how it should be assessed?		
	Yes	/	No
<p>The guidance is generally well presented and welcome. However, within the sixth “fast fact”, the wording suggests that some level of harm is acceptable and this should only be minimised; should harm not be avoided wherever possible?</p>			

Q15.	Does the guidance explain the visual and especially the non-visual components of setting sufficiently?		
	Yes	/	No

Q16.	Does the guidance explain how to take the visual and non-visual components of setting into account during the assessment process?		
	Yes	/	No

## Additional comments

<b>Q17.</b>	<b>We have asked a number of specific questions. If you have any related issues that we have not specifically addressed, please raise them here.</b>
The consistency of language is critical within all the documents, so that language is consistent between legislation, policy and guidance to avoid confusion.	
Training on new processes such as HIA would be welcomed, to ensure that the quality of assessment and validation is maintained.	

## How to respond

Please submit your comments by 3 October 2016 by email or post.

### Email

Please send the consultation form to :

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

[Please include '**Consultation on historic environment regulations and best-practice guidance**' in the subject line.]

### Post

Please send the consultation form to:

Regulations and Guidance Consultation 1  
Legislation and Policy Team  
Historic Environment Service (Cadw)  
Welsh Government  
Plas Carew  
Unit 5/7 Cefn Coed  
Parc Nantgarw  
Cardiff  
CF15 7QQ