

Annex 2

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 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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published.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

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Technical Advice Note 24: The Historic Environment		
Date	26/09/16	
Name	Adrian James	
Organisation	Natural Resources Wales	
Address	Ty Cambria 29 Newport Rd Cardiff CF24 0TP	
E-mail address	adrian.james@cyfoethnaturiolcymru.gov.uk	
Telephone	03000 654354	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	X
	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.	
	Agree	
	Neither Agree nor Disagree	x
	Disagree	
Further comments		
Please see our detailed comments to Questions 2 and 6.		

Q2	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?	X
	Section 1 of the draft TAN contains advice on the relationship between nature conservation and the historic environment.	
	Agree	
	Neither Agree nor Disagree	
	Disagree	x
Further comments		
We welcome the intention to include advice on nature conservation. However, we are concerned with the detail of advice provided on protected species. Paragraph 1.30 of the Draft TAN refers to species protected under European and UK legislation which may be particularly affected by works to historic buildings. However, paragraphs 1.31 and 1.32 of the Draft TAN seems only to concentrate on the legal provision under the Conservation of habitats and species Regulations 2010. Any reference to statutorily protected species		

should also refer to the Wildlife and Countryside Act 1981 (as amended) and the Badger Act 1992. We also recommend that paragraph 1.29 of the Draft TAN should refer to the duties of planning authorities under Section 6 of the Environment Act (Wales) 2016.

The second sentence of paragraph 1.32 of the Draft TAN currently reads: “*Should protected species be identified, then licenses will need to be issued.*” This seems to suggest that licenses will be issued regardless of potential impact on protected species. We recommend that the current sentence is removed and replaced with text which cross-refers to paragraph 6.23 and Annex 7 of Technical Advice Note 5: Nature Conservation and Planning.

Whilst paragraphs 1.31 and 1.32 focusses on the potential impact on protected species, it should also be noted that protected species may also form the interest feature of a statutory nature conservation designation within which historic buildings may be located. Applicants and planning authorities should therefore be made aware of the potential need to consider the legislative requirements where such interest features may be affected by development proposals.

Q3	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?	X
	Section 2 of the draft TAN contains information on how the development plan process should consider the historic environment.	
	Agree	
	Neither Agree nor Disagree	x
	Disagree	
Further comments		
We have no comment on this matter.		

Q4	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?	X
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	Section 3 of the draft TAN contains information on World Heritage Sites.	
	Agree	
	Neither Agree nor Disagree	x
	Disagree	
Further comments		
<p>Paragraph 3.15 of the Draft TAN indicates that “where a buffer zone exists it defines the immediate setting of a WHS”, which is different to the advice currently provided in paragraph 3.5 of the guidance contained in the draft <i>Managing Change in World Heritage Sites in Wales</i> which is currently out for consultation which states: “where a buffer zone exists it should include the immediate setting”.</p> <p>We advise that a consistent approach should promoted in both documents.</p>		

Q5	<p>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?</p> <p>Section 4 of the draft TAN contains information on archaeological remains.</p>	X
	Agree	
	Neither Agree nor Disagree	x
	Disagree	
Further comments		
<p>We have no comment on this matter.</p>		

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Q6	<p>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?</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>	X
Agree		
Neither Agree nor Disagree		
Disagree		x

Further comments

We welcome the intention to include guidance relating to how information on the Register of Historic Landscapes in Wales should be considered when preparing development plans, and when determining relevant planning applications.

We are concerned with the advice currently provided in paragraph 7.6 which indicates that the only other reason for considering the Register would be where a scheme is called-in for determination by Welsh Ministers. It is our view that other schemes determined by local planning authorities, which may fall outside the EIA framework, may also have a more than local impact on an area of the Register. For such schemes, information on the Register may be a material consideration, and should therefore be taken into account both by the developer and the local planning authority.

We therefore recommend that paragraph 7.6 is amended to reflect:

Developments located within or outside the boundary of a registered historic landscape may have a more than local impact on an area of the designation. Information on the register of historic landscapes in Wales should be taken into account by local planning authorities in considering the implications of developments which may have ‘more than local impact’ on an area of a registered historic landscape, or where the proposed scheme meets the criteria for EIA, and there is a likely significant effect on an area of the registered historic landscape.

Q7	<p>If you have any related issues which we have not addressed, please let us know.</p>	X
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Additional information

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

Email: planconsultations-b@wales.gsi.gov.uk

Telephone: 029 2082 6802 / 3524