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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Technical Advice Note 24: The Historic Environment

Date of issue: **11 July 2016**

Action required: Responses by **3 October 2016**

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

Overview

This consultation seeks your views on the Welsh Government's *Technical Advice Note 24: The Historic Environment*.

This draft policy document reflects informal feedback received on earlier version made available to inform the scrutiny of the Historic Environment (Wales) Bill. It complements the recent consultation on chapter 6 of *Planning Policy Wales* and a parallel consultation on secondary legislation to support the Historic Environment (Wales) Act 2016 and various good-practice guidance documents.

How to respond

The closing date for the consultation is 3 October 2016. You can reply in any of the following ways.

E-mail:

Please complete the consultation response form at Annex 2 and send it to:

planconsultations-b@wales.gsi.gov.uk

Post

Please complete the consultation response form at Annex 2 and send it to:

TAN 24 Consultation
Planning Policy Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Consultation on chapter 6 of *Planning Policy Wales*, 'The Historic Environment' (closed)

<http://gov.wales/consultations/planning/proposed-changes-to-planning-policy-wales-chapter-6-the-historic-environment/?status=closed&lang=en>

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

<http://gov.wales/consultations/cultureandsport/?status=open&lang=en>

Cadw, *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* (2011)

<http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples>

Contact details

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Data protection

How the views and information you give us will be used

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 tell us this in writing when you send your response. 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.

Purpose of the consultation

1. The historic environment is central to Wales' culture and its character and contributes to our sense of place and cultural identity. It is vital that the historic environment is appreciated, protected, actively managed and made accessible for the general well-being of present and future generations.
2. The Historic Environment (Wales) Act 2016 received Royal Assent on 21 March 2016. The Act forms part of a suite of legislation, policy, advice and guidance that makes important improvements to the existing systems for the protection and sustainable management of the Welsh historic environment.
3. A consultation on the revised historic environment chapter (Chapter 6) of *Planning Policy Wales* (PPW) has already taken place. The consultation closed on 13 June 2016 and its outcome and a final version of the chapter will be made available later this year. A separate consultation on proposals for secondary legislation to support the Historic Environment (Wales) Act 2016 and various good-practice guidance documents is also available:
<http://gov.wales/consultations/cultureandsport/?lang=en>
4. A draft Technical Advice Note (TAN) for the historic environment was made available in 2015 to inform the scrutiny of the Historic Environment (Wales) Bill during its passage through the National Assembly for Wales.
5. The planning system plays a significant role in the protection and conservation of the historic environment while helping it to accommodate and remain responsive to present-day needs. The TAN will provide detailed planning advice on the historic environment of Wales and the purpose of this consultation is specifically to consider the new TAN.

What are the main issues?

6. A well-protected and accessible historic environment that will contribute to the quality of life and place and enhance people's life chances is an important priority for the Welsh Government.
7. If the historic environment is going to continue to deliver its rich benefits to the people of Wales, we need to identify what is significant and manage change in a sensitive and sustainable way.
8. The TAN will replace the outdated circulars for the historic environment which were produced in 1996 and 1998. It would be able to take into account Cadw's *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*¹, published in 2011 and include an up-to-date statement of purpose

¹ <http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples>

with a strong focus on the sustainable management of the historic environment. It also reflects how the historic environment contributes to the Welsh Government's seven well-being goals for a sustainable Wales as set out in the Well-being of Future Generations (Wales) Act 2015.

9. Central to the protection and enhancement of historic assets is the positive management of change based on a full understanding of the nature and significance of historic assets, as well as a recognition of the benefits that they can deliver and the role that they play in a vibrant culture and economy.
10. The detailed advice provided in the TAN for the protection, management and conservation of the historic environment will inform development management decisions that are sensitive to the significance of historic assets and proportionate to the impact of proposals. As well as protecting the built environment and historic parks and gardens, locally specific development plan policies may also identify positive opportunities for their conservation and enhancement during the consideration of development proposals.

Where are we now?

11. Central to delivering the Welsh Government's objectives for the historic environment are the Historic Environment (Wales) Act 2016, chapter 6 of PPW and this new TAN, which will deliver sustainable management and enhancement of the unique and much-valued historic environment of Wales.
12. As relevant provisions within the Historic Environment (Wales) Act 2016 come into force and complementary advice and guidance documents are issued, the TAN will need to be updated. The changes will be minor and will not affect the fundamental policy principles of the document; rather, they will provide additional signposting to guidance and updated information.
13. The TAN reflects provisions of the Historic Environment (Wales) Act 2016 which are planned for commencement in spring 2017. These include measures relating to statutory historic environment records (HERs) and consultation, interim protection and review.
14. During 2016 and 2017 a phased programme of consultation and implementation of the provisions within the Historic Environment (Wales) Act 2016 and associated policy, advice and guidance will be undertaken. The first tranche of documents, which includes guidance on managing change that affects World Heritage Sites, listed buildings, conservation areas and the setting of historic assets and heritage impact assessment, has been made available for consultation alongside the TAN.

What are we proposing to change?

15. Section 1 introduces *Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles)* which provide the basis on which the Welsh Government's Historic Environment Service (Cadw) discharges its duties on behalf of the Welsh Ministers. It explains how they should be used by others to assess the potential impacts of a development proposal on historic assets and to assist in decision making where the historic environment is affected by the planning process.
16. There is a new emphasis on the need for access to, and the use of, evidence, including the role of HERs in paragraphs 1.16 to 1.21. HERs also underpin the *Conservation Principles*, which recognise that documenting and learning from decisions is vital. Accessible information on the historic environment also supports general objectives for the enhancement of knowledge and understanding of the past.
17. The section stresses the importance of the consideration that should be given to the impact of proposed developments on the setting of historic assets. It provides new guidance on the factors that should be considered when assessing this impact.
18. Finally, section 1 introduces new advice regarding the relationship between nature conservation and the historic environment and recognises the important links that exist between the two. It strengthens the need to give nature conservation due regard when assessing proposals for development that also affect the historic environment.
19. Section 2 focuses on the preparation of locally distinctive local development plan policies and adds new guidance in relation to the accompanying Strategic Environmental Assessment. It also provides guidance on the supplementary planning guidance that may be best used to support local planning authorities to deliver policies in their development plans.
20. New advice on the treatment of World Heritage Sites in the planning process is included in section 3 including the need for Cadw to be consulted on applications likely to impact on their Outstanding Universal Value. It identifies that local planning authorities should conserve and enhance the Outstanding Universal Value of World Heritage Sites to ensure that they retain their integrity and authenticity.
21. The section also stresses that protecting the Outstanding Universal Value of World Heritage Sites may be best delivered through consistent planning policies supported by supplementary planning guidance.

22. Section 4 updates previous guidance on the importance of archaeological remains and strengthens the requirement to create appropriate record and archive. This will need to be further updated by referencing appropriate standards on archaeological archives when they are available.
23. Section 5 expands on the protection of listed buildings and managing change to preserve and enhance their special qualities and retain them in sustainable use. Paragraph 5.12 provides information on a new requirement for heritage impact statements to replace design and access statements for listed building consent applications. Consultation on the required changes to regulations and guidance on the preparation of heritage impact assessments can be found here: <http://gov.wales/consultations/cultureandsport/?lang=en>
24. Section 6 updates previous advice on the requirement to preserve and enhance conservation areas. Paragraph 6.12 introduces a new requirement for a heritage impact statement to accompany an application for conservation area consent. Consultation on the required changes to regulations and guidance on the preparation of heritage impact assessments can be found here: <http://gov.wales/consultations/cultureandsport/?lang=en>
25. Section 7 builds on the existing requirement to take into account the entries on the register of historic parks and gardens and the register of historic landscapes when preparing development plans and during decision making on planning applications. It provides information on policies and processes local planning authorities should adhere to in order to ensure they contribute to the protection and enhancement of registered historic parks and gardens and the conservation of registered historic landscapes.
26. Section 8 — Historic Assets of (Special) Local Interest — recognises that not all historic assets have statutory protection as scheduled monuments or listed buildings. This provides new advice to local planning authorities to help them manage assets of special local interest so they can contribute successfully to the conservation and enhancement of local character. The section explains that the status of these assets needs to be made clear and can be a material consideration in the planning process.

Consultation questions

27. Specific consultation questions relating to this consultation are set out below. If you wish to respond please complete the Consultation Response Form at Annex 2.
28. Responses to consultations may be made public on the internet or in a separate report. If you would prefer your response to be kept confidential please indicate this by ticking the relevant box on the response form.

<p>Q1</p>	<p>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?</p> <p>Section 1 of the draft TAN contains advice on the sustainable management of change affecting the historic environment.</p>
<p>Q2</p>	<p>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?</p> <p>Section 1 of the draft TAN contains advice on the relationship between nature conservation and the historic environment.</p>
<p>Q3</p>	<p>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?</p> <p>Section 2 of the draft TAN contains information on how the development plan process should consider the historic environment.</p>
<p>Q4</p>	<p>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?</p> <p>Section 3 of the draft TAN contains information on World Heritage Sites.</p>
<p>Q5</p>	<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>
<p>Q6</p>	<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>
<p>Q7</p>	<p>If you have any related issues which we have not addressed, please let us know.</p>