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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – summary of response

Planning Policy Wales Chapter 6: The Historic Environment

November 2016

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

1 Introduction

- 1.1 The Welsh Government conducted a 12-week public consultation on a proposed revision to Planning Policy Wales (PPW) Chapter 6: The Historic Environment over the period 21 March to 13 June 2016.
- 1.2 The aim of the review to PPW Chapter 6 is to ensure national planning policy fully meets the needs of a modern and accountable system for considering how change affecting the historic environment is managed through the planning system. It also ensures national planning policy fully reflects updated legislation and guidance on the historic environment.
- 1.3 A total of 6 questions were asked. Five of these questions focused on the updated sections to Chapter 6 and the sixth question provided respondents with the opportunity to make any additional comments should they not be captured under responses to the previous questions.
- 1.4 This consultation summary report details the response to the draft PPW Chapter 6 consultation exercise, the Welsh Government's response and next steps.

2 Background

- 2.1 The Welsh Government's national planning policy on the historic environment has not substantially changed since the first iteration of Planning Policy Wales was published in 2002.
- 2.2 During recent years, there have been significant changes made to the way the historic environment of Wales is managed. Overall, this has seen a shift in emphasis towards positive management of change to the historic environment rather than avoiding harm. This is reflected in Cadw's Conservation Principles document, published in 2011, which encourages a strong focus on the sustainable management of the historic environment.
- 2.3 Further change to the way the historic environment in Wales is managed has been reinforced by the Historic Environment (Wales) Act 2016. This legislation provides a broad framework which gives more effective protection to listed buildings and scheduled monuments, enhances existing mechanisms for the sustainable management of the historic environment, and introduces greater transparency and accountability into decisions taken on the historic environment.

- 2.4 Revisions to chapter 6 of PPW were therefore considered necessary in order to fully reflect the policy and legislative updates to the system relating to how the historic environment is managed. It was considered these revisions would ensure the planning policy meets the needs of a modern and accountable system for considering how change in affecting the historic environment is managed through the planning system.

3 Key proposals

- 3.1 The main proposed changes to national planning policy on the historic environment in the draft consultation version of PPW Chapter 6 were as follows:

- To reinforce the objectives to ensure they meet the modern needs of effective management of the historic environment through the planning system. This included setting out a new objective to protect the Outstanding Universal Value of World Heritage Sites, making reference to the need to take into account climate change in decision making and ensuring there is a new emphasis on the positive management of change to historic buildings rather than the avoidance of harm.

Section 6.2 provided further detail of our reinforced objectives.

- To provide updated information on the roles and responsibilities of those bodies who have a role in the historic environment and its relationship with the planning system. This included updating the role the Welsh Ministers through the Welsh Government's historic environment service (Cadw) with a specific reference to the conservation principles and the need to respond to the whole historic environment, including historic character. It also updated the roles of other agencies, including local planning authorities, and in particular the new requirement under planning legislation to undertake pre-application consultation for certain types of development.

Section 6.3 provided updated information on roles and responsibilities.

- To provide updated information on how development plans should consider the historic environment including how up-to-date evidence on the historic environment should be used in local development plans (LDPs). This included referencing a need for access to and the use of historic environment records during LDP preparation. Also, how locally important heritage assets or areas should be considered when developing LDPs or supplementary planning guidance.

Section 6.4 provided updated information on how development plans should consider the historic environment.

- To provide updated information on consideration of the historic environment through the development management process. In particular, it strengthened the requirements for appropriate record and archive of archaeological remains during the consideration of development proposals impacting on them. The section also introduced a new aim to protect and enhance listed buildings, retaining them in sustainable use. It also referred to the new requirement for Cadw to be consulted on all applications likely to affect a registered historic park or garden and the new arrangements relating to the register of historic landscapes.

Section 6.5 provided updated information on how the historic environment should be considered through the development management process.

- To provide new planning policy on enabling development, that reflects existing practice and recognition made in Cadw's Conservation Principles document for development proposals which can deliver heritage benefit. It recognised that such proposals may be appropriate if the public benefits of preserving or enhancing an important historic asset decisively outweigh the harm to other material interests.

Paragraphs 6.5.27 and 6.5.28 provided new planning policy on enabling development in relation to development proposals which can deliver heritage benefit.

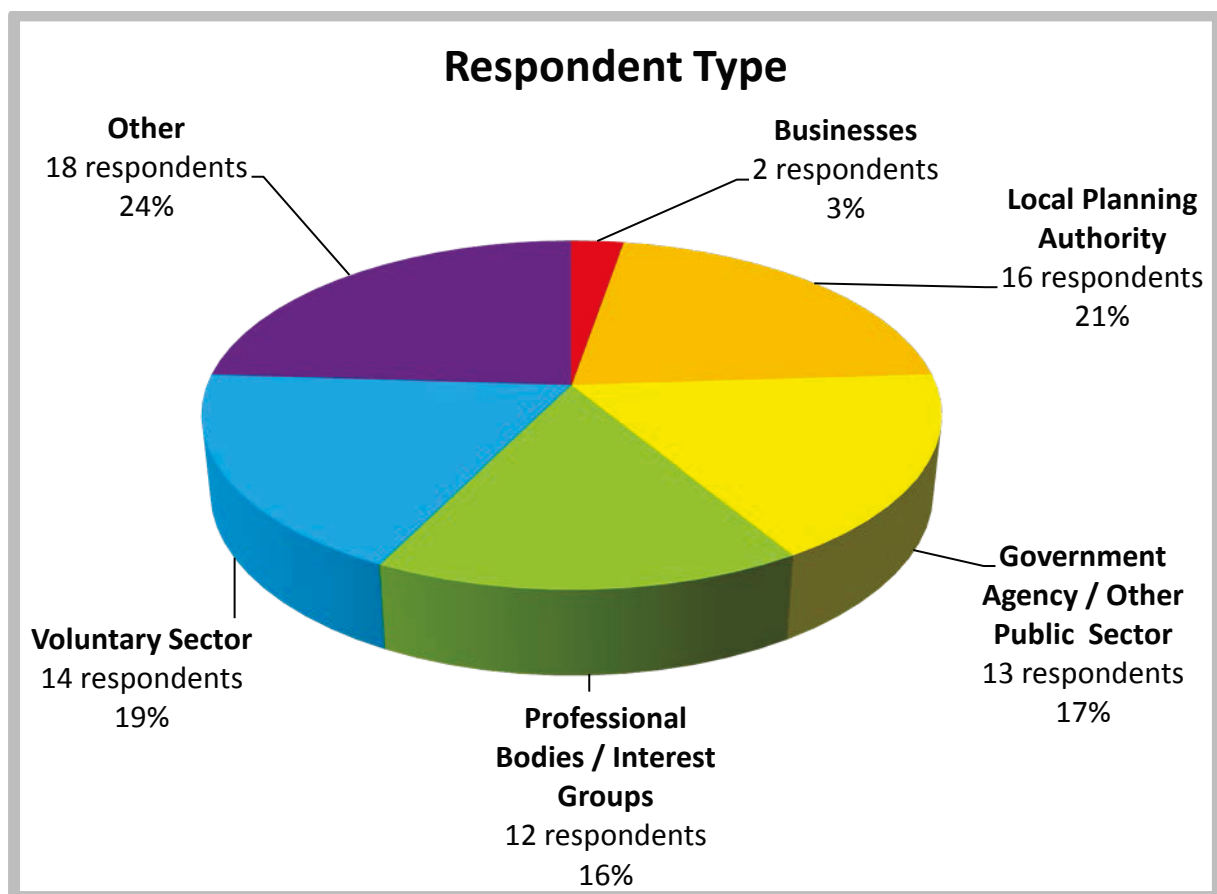
4 Consultation and publicity

- 4.1 A revised draft of Planning Policy Wales Chapter 6 was published by the Welsh Government on the 21 March 2016 for a 12 week public consultation period.
- 4.2 Details of the consultation were available on the Welsh Government's website throughout its duration. The Welsh Government maintains a list of established stakeholders in the planning system and these were all notified of the consultation by direct e-mail on 21 March 2016. These stakeholders comprise the Chief Executives and Chief Planning Officers at the 25 local planning authorities (LPAs), 23 statutory consultees and 101 non-statutory consultees.
- 4.3 In addition, planning officials worked with Cadw to obtain a list of key stakeholders in relation to the historic environment. These stakeholders comprised of bodies and individuals with a specific interest in heritage matters (for example archaeological trusts) and they were also notified of the consultation on the 21 March. Separately, Cadw contacted stakeholders who had registered an interest in receiving correspondence on the Historic Environment (Wales) Act to notify those individuals/bodies of the consultation by direct e-mail on 21 March 2016.

5 The responses

5.1 A total of 75 responses were received to the consultation. The largest respondent by type was 'other' which included individuals and some organisations, who represented 24% of the total responses submitted. Local planning authorities (LPAs) made up 21% of the total responses, with 16 out of 25 LPAs providing substantive comments. The voluntary sector made up 19% of the total responses including archaeological trusts and the Wales Heritage Group. Government agency / other public sector made up 17% of the total responses, where comments were received from stakeholders including community councils, the Welsh Local Government Association and Natural Resources Wales. A slightly smaller number of responses were received from professional bodies /interest groups at 16% of the total, where comments were received from stakeholders including RTPI Cymru, The Law Society and the Chartered Institute for Archaeologists. Only 2 responses (3%) were received from stakeholders who classified themselves as a business. A complete breakdown of the stakeholders who responded to this consultation can be found in the **Appendix**.

Figure 1: Respondents to Planning Policy Wales Chapter 6 consultation by type.



6 Summary of responses by question

6.1 A summary analysis of the key findings for each consultation question is set out below, followed by the Welsh Government's response.

6.2 It should be noted that the summary analysis provided below is not reflective of the overall number of respondents. Instead it is based on the respondents who directly answered 'yes' or 'no' to the questions (as outlined in the tables provided below). Many respondents chose not to provide a direct answer but provided comments. Wherever possible, comments and views have been incorporated into the analysis if they directly relate to the subject matter of the question even if they were not explicitly presented as answers to the question. Most of the questions invited respondents to expand on their views; therefore much of the following analysis is qualitative in nature.

Question 1:

Do you agree with our objectives for the historic environment? If not, what objectives would you like to see or how would you change the existing objectives?

Statistical Overview

| Respondents by type | Agree | Neither Agree nor Disagree | Disagree |
|--|--------------|---------------------------------------|-----------------|
| LPAs | 13 | 3 | 0 |
| Businesses | 2 | 0 | 0 |
| Government Agency / Other Public Sector | 7 | 1 | 1 |
| Professional Bodies / Interest Groups | 11 | 1 | 0 |
| Voluntary Sector | 11 | 2 | 1 |
| Other | 10 | 2 | 0 |
| Total | 54 | 9 | 2 |
| % | 83% | 14% | 3% |

Summary Analysis

The majority of those who directly answered the question (83%) supported the objectives set for the historic environment in Wales. Only two respondents disagreed.

Most respondents welcomed the more flexible approach taken to managing the historic environment but agreed that there is a need to address the issue of climate change. Many respondents felt, however, that it was not clear how to manage the impact of climate change on historic assets in a balanced and sustainable way.

A number of respondents suggested that the objectives could be clearer as the use of language to explain specific objectives for particular historic assets is not consistent and does not always reflect the changing philosophy of conservation and management.

Welsh Government Response

The Welsh Government acknowledges that Planning Policy Wales Chapter 6 could be clearer about the relationship between managing changes to historic assets whilst considering the need to address the impact of climate change. The policy has been amended to make clear how change to historic assets should be managed in relation to the risks posed by climate change.

The policy and objectives for the level of protection afforded to historic assets is defined in legislation contained primarily in the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and as such will not be changed in Planning Policy Wales Chapter 6.

Question 2:

Do you agree that the roles and responsibilities of those involved in the planning process relating to the historic environment are clear and well defined? If not, how would you clarify them?

Statistical Overview

| Respondents by type | Agree | Neither Agree nor Disagree | Disagree |
|---|------------|----------------------------|------------|
| LPAs | 10 | 5 | 0 |
| Businesses | 1 | 1 | 0 |
| Government Agency / Other Public Sector | 6 | 3 | 0 |
| Professional Bodies / Interest Groups | 9 | 0 | 3 |
| Voluntary Sector | 5 | 5 | 4 |
| Other | 8 | 3 | 0 |
| Total | 39 | 17 | 7 |
| % | 62% | 27% | 11% |

Summary Analysis

Most respondents who directly answered the question (62%) agreed that the roles and responsibilities of those involved in the planning process were clear and well defined.

Some respondents requested clarity on the role of the Welsh Archaeological Trusts. In particular, to reflect that local planning authorities can consult them for advice on formulating development plans and to aid their determination of planning applications.

Some respondents suggested there is a need to clarify other current mechanisms which may impact on the planning process and the historic environment. These include the process for administering Ecclesiastical Exemption.

A number of respondents commented that the document should state more clearly the weight that is given to Cadw's Conservation Principles when formulating development plans and determining planning applications.

Several respondents commented that the role of local planning authorities needs to be made clear given their responsibility to formulate development plans and determine planning applications. Other respondents commented that the role of amenity societies and other bodies in the planning and heritage process should be recognised in this section.

Welsh Government Response

The section on roles and responsibilities has been reviewed, including the roles of the Welsh Archaeological Trusts and those involved with Ecclesiastical Exemption. This will ensure that their role is fully reflected and understood. Ecclesiastical Exemption is further expanded upon in the Draft Technical Advice Note for the Historic Environment which was published for consultation in July 2016.

The Welsh Government consider that Planning Policy Wales Chapter 6 is clear that Cadw's Conservation Principles should be used by local planning authorities and others to assist in the decision making process where the historic environment is affected.

The Welsh Government considers that information on other legislative and procedural mechanisms which may impact on planning and the historic environment is appropriately covered elsewhere. Local planning authorities already have access to such information in order to ensure sound judgements on planning proposals are made on a case-by-case basis and that appropriate bodies are taken into account in their decision making.

Question 3:

Do you agree that the approach to be taken in the preparation of development plans fully considers the historic environment? If not, how would you suggest that this is overcome?

Statistical Overview

| Respondents by type | Agree | Neither Agree nor Disagree | Disagree |
|---|------------|----------------------------|------------|
| LPAs | 6 | 7 | 3 |
| Businesses | 1 | 1 | 0 |
| Government Agency / Other Public Sector | 5 | 4 | 0 |
| Professional Bodies / Interest Groups | 9 | 1 | 2 |
| Voluntary Sector | 8 | 3 | 3 |
| Other | 7 | 3 | 3 |
| Total | 36 | 19 | 11 |
| % | 55% | 29% | 17% |

Summary Analysis

Over half of those that answered the question directly (55%) agreed that the preparation of development plans fully considers the historic environment.

Many respondents expressed concerns and made comments on how local historic environment considerations should be reflected in local development plans. The level of detail included was noted, by some respondents, as being insufficient particularly with reference to locally important and undesignated historic assets. A few respondents also considered that characterisation should be taken into account in the development plans process.

A number of respondents highlighted the lack of guidance relating specifically to the use of Supplementary Planning Guidance and how it can be used effectively to support the policies in local development plans.

Several respondents were concerned that some areas of the historic environment were not specifically referred to in the context of development plan preparation and, as such, the historic environment is not fully considered in this process.

Welsh Government Response

The Welsh Government has amended the policy to add clarity to the circumstances in which local planning authorities should include historic environment policies within their development plans.

The Welsh Government has reviewed the wording to ensure the chapter is clear on the circumstances in which Supplementary Planning Guidance can be prepared in relation to historic environment designations.

The Welsh Government has considered the concerns raised that some aspects of the historic environment are not specifically referred to in the context of development plan preparation. It is considered the policy is clear, local planning authorities can identify any local elements of the historic environment they consider to be of sufficient importance to be taken into account in their development plans.

Question 4:

Do you agree that the approach to be taken during the Development Management process when determining applications relating to historic environment designations fully considers the historic environment? If not, how could this be improved?

Statistical Overview

| Respondents by type | Agree | Neither Agree nor Disagree | Disagree |
|---|--------------|-----------------------------------|-----------------|
| LPA's | 7 | 5 | 3 |
| Businesses | 0 | 0 | 2 |
| Government Agency / Other Public Sector | 4 | 3 | 2 |
| Professional Bodies / Interest Groups | 6 | 2 | 4 |
| Voluntary Sector | 4 | 3 | 7 |
| Other | 6 | 3 | 2 |
| Total | 27 | 16 | 20 |
| % | 43% | 25% | 32% |

Summary Analysis

Less than half of those that answered this question directly (43%) agreed that designated historic assets are properly considered in the development management process.

The majority of respondents felt that the balance between protecting the historic environment and managing change could be clearer. This is seen particularly in respect of the protection of archaeological remains and it is considered by some respondents that the policy is not as strong as it is in the current chapter of Planning Policy Wales on the historic environment.

A number of respondents commented that there is a need to clarify the process for considering archaeological remains during the development management process.

Welsh Government Response

The policy advice has been revised to clarify how the impact of proposed development on archaeological remains should be assessed. The advice on the recording of archaeological remains has also been amended to ensure that it is clear when and how recording should be done.

Question 5:

Do you agree that it is appropriate to include text on Enabling Development as national planning policy? If not, is this a matter more appropriate to set out within Cadw's guidance on the historic environment?

Statistical Overview

| Respondents by type | Agree | Neither Agree nor Disagree | Disagree |
|---|--------------|-----------------------------------|-----------------|
| LPAs | 11 | 2 | 2 |
| Businesses | 1 | 0 | 1 |
| Government Agency / Other Public Sector | 5 | 3 | 0 |
| Professional Bodies / Interest Groups | 9 | 3 | 0 |
| Voluntary Sector | 9 | 3 | 2 |
| Other | 5 | 4 | 1 |
| Total | 40 | 15 | 6 |
| % | 66% | 25% | 10% |

Summary Analysis

Most of those that answered the question directly (66%) agreed that it is appropriate to include a section on Enabling Development in national planning policy.

The majority of respondents from a range of sectors agreed that Enabling Development can be a useful way of conserving historic assets whilst also benefitting communities economically and environmentally.

Several respondents commented on a need for further detailed guidance on enabling development. Some concerns were expressed as to whether this policy would lead to inappropriate proposals which would harm the historic environment.

Welsh Government Response

It is considered that the policy is clear as it sets out how enabling development should only be allowed where it would deliver heritage benefit. It is for each local planning authority to interpret this policy appropriately during the determination of enabling development proposals.

The Welsh Government will monitor the use of this policy by local planning authorities and consider issuing best practice guidance on enabling development, if required.

Question 6 – Any other comments

Other issues, not already covered in the previous sections, were raised by a number of respondents. These issues are summarised below:

- Numerous respondents commented that they were concerned that the limited resources available to local planning authorities and other bodies would make it difficult to fulfil the duties and objectives set out in Planning Policy Wales Chapter 6.
- Numerous respondents widely commented on the consideration that should be given to conservation areas, listed buildings, World Heritage Sites and other particular historic assets of local interest in the development plan and management processes and that further clarity on these areas would be welcomed.
- A number of respondents asked that the role of the Historic Environment Record be made clearer in the development plan and wider decision making processes. Several respondents also commented that the Historic Environment Record is not a complete picture of the historic environment in Wales on which to inform the evidence base of development plans.
- A number of respondents commented that greater clarity is needed on how to consider assets included in the Historic Environment Record during the development management process.
- Several respondents welcomed the significance based approach to sustainable management but suggested that a more holistic approach to the protection of historic assets should be explored and, where possible, the rigid distinctions between different assets be avoided so that the importance of local historic assets can be recognised and considered along with assets of national importance.

Welsh Government Response

The Welsh Government acknowledges the difficulties currently faced by local planning authorities and others in fulfilling their planning functions. A task and finish group is currently looking at opportunities for greater collaboration in the delivery of historic environment conservation services.

In response to the comments raised on a need for further clarity, a number of guidance documents and a Draft Technical Advice Note for the historic environment were published for consultation on 11 July 2016 and address many of the concerns raised in this consultation. This package of policy and guidance on how the historic environment is considered through the planning system will be monitored by the Welsh Government. If future evidence identifies a need for further changes to how the historic environment is considered through the planning system, any such changes will be considered in due course.

The section concerning the use of the Historic Environment Record has been amended to better reflect its use as a key source of information. Further details on the status of the Historic Environment Record will be provided when the relevant section of the Historic Environment (Wales) Act 2016 is commenced during 2017. This will be accompanied by statutory guidance which will set out how the Historic Environment Record should be used both in the planning system and wider context.

The Welsh Government considers that the revised Chapter 6 contributes to the sustainable management of change to historic assets in the planning process by a number of means including assessing their significance. It also acknowledges and responds to the effects of climate change. The distinction between historic assets is based largely on legislation provided in the Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and amendments to this were outside the remit of this consultation.

Appendix – List of Respondents by Category

Businesses

| |
|----------------------------------|
| Anonymous respondent |
| Clwyd-Powys Archaeological Trust |
| TOTAL = 2 |

Local Planning Authorities

| |
|--|
| Bridgend County Borough Council |
| Caerphilly County Borough Council |
| Ceredigion County Council |
| City of Cardiff Council |
| Conwy County Borough Council |
| Denbighshire County Council |
| Flintshire County Council |
| Gwynedd Council |
| Merthyr Tydfil County Borough Council |
| Monmouthshire County Council |
| National Parks Wales |
| Neath Port Talbot County Borough Council |
| Newport City Council |
| Rhondda Cynon Taf County Borough Council |
| Vale of Glamorgan Council |
| Wrexham County Borough Council |
| TOTAL = 16 |

Government agency / other public sector

| |
|--|
| Acton Community Council |
| Conwy Town Council |
| Health and Safety Executive |
| Llandysilio Community Council |
| Llanelli Rural Council |
| Mold Town Council |
| Natural Resources Wales |
| Northop Community Council |
| One Voice Wales |
| Penarth Town Council |
| South Wales Police |
| Welsh Local Government Association |
| Welsh School of Architecture, Cardiff University |
| TOTAL = 13 |

Professional bodies / interest groups

| |
|---|
| ALGAO Cymru |
| Battlefields Trust |
| Chartered Institute for Archaeologists (CIfA) |
| Council for British Archaeology |
| Institute of Historic Building Conservation |
| Landscape Institute Wales |
| RICS Wales |
| Royal Society of Architects in Wales |
| RTPI Cymru |
| Theatres Trust |
| The Law Society |
| Welsh Historic Gardens Trust |
| TOTAL = 12 |

Voluntary Sector

| |
|--|
| Anonymous respondent |
| Campaign for the Protection of rural Wales |
| CAMRA, Campaign for Real Ale |
| Churches Together in Wales |
| Dyfed Archaeological Trust |
| Gwern y Domen Conservation Group |
| National Trust Wales |
| Rescue / The British Archaeological Trust |
| Sustainable Traditional Buildings Alliance |
| The Church in Wales |
| The Glamorgan-Gwent Archaeological Trust |
| The Methodist Church |
| Wales Heritage Group |
| Woodland Trust |
| TOTAL = 14 |

Other

| | |
|---|---|
| Alan Jones, Pembrokeshire Thatch and Carpentry Services | Glandŵr Cymru |
| Anonymous respondent | Gwynedd Archaeological Trust |
| Anonymous respondent | John Davison |
| Brian Williams | Judith Doyle BA (Hons) MCIfA |
| Carl R. Hussey | Kenneth J. Richards, MRTPI |
| CLA Cymru | Martletwy Community Council |
| Dianne Crecraft | Mineral Products Association |
| Dr. Hayley Roberts, Bangor University | Mochdre with Penstrowed Community Council |
| Evan Owen | Welsh Place-Name Society |
| TOTAL = 18 | |

4 respondents in total indicated a wish to remain anonymous and therefore their full details have been removed from the above list. Copies of representations are available on request from the Planning Directorate, Welsh Government.