

Number: WG31174



Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – summary of response

Technical Advice Note 24: The Historic Environment

May 2017

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

Consultation on the draft Technical Advice Note 24: The Historic Environment

Summary of Response Report

1 Introduction

1.1 The Welsh Government conducted a 12-week public consultation on a draft Technical Advice Note (TAN) 24: The Historic Environment over the period 11 July to 3 October 2016.

1.2 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. TAN 24 will provide detailed planning advice on the historic environment of Wales.

1.3 A total of seven questions were asked. Six questions focused on the appropriateness of the planning advice provided on the historic environment. Questions asked considered whether the document provided appropriate information on the sustainable management of change to the historic environment and its link with nature conservation. They also focused on new information provided on the consideration given to particular historic assets in the planning process, namely, World Heritage Sites, archaeological remains, historic parks and gardens, historic landscapes and historic assets of special local interest. A seventh question provided respondents with the opportunity to make any additional comments should they not be captured in the previous questions.

1.4 The comments received were very wide ranging and detailed, highlighting many individual and thematic issues. Due to the nature of the comments received, all detailed comments received to the consultation may not be specifically referred to as part of this summary report. Nevertheless, all comments received have been considered during analysis of the responses.

1.5 This consultation summary report provides a summary of all responses received to the TAN consultation exercise and the Welsh Government's response to those matters raised. The results of this analysis have informed publication of the final TAN 24 on the 8 May 2017.

2 Background

2.1 During recent years, there have been significant changes made to the way the historic environment in 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.

2.2 Further change to the way the historic environment in Wales is managed has been reinforced by the Historic Environment (Wales) Act 2016 which 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.

2.3 In order to fully reflect the policy and legislative updates to the system for how the historic environment is managed, a revised historic environment chapter of Planning Policy Wales (PPW) was consulted on from 21 March to 12 June 2016. The revised chapter was published as part of a new Edition 9 of PPW during November 2016.

2.4 A draft TAN 24 for the historic environment was firstly made available in 2015 for information purposes and to inform the scrutiny of the Historic Environment (Wales) Bill during its passage through the National Assembly for Wales. It has since been updated to ensure it more closely reflects the final provisions contained in the Historic Environment (Wales) Act and the aims and objectives for how the planning system should manage the historic environment in Wales.

2.5 The TAN replaces outdated circulars for the historic environment which were produced in 1996 and 1998 and takes into account historic environment best practice guidance including that provided by Cadw's *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*. It also includes an up-to-date statement of purpose ensuring the planning system reflects wider Welsh Government aims for the historic environment, with a strong focus on sustainable management. Finally, it reflects how management of the historic environment through the planning system 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.

3 Key proposals

3.1 The detailed advice provided in the TAN for the protection, management and conservation of the historic environment will inform development management decisions on planning applications that are sensitive to the significance of historic assets. It will provide guidance to assist in ensuring that any decisions made are proportionate to the impact of proposals on the historic environment.

3.2 The main planning policy guidance proposals introduced in the draft consultation version of the TAN were as follows:

Section 1 provides further detail on the use of Cadw's Conservation Principles and information on nature conservation and the historic environment.

- Section 1 provides planning policy guidance on the use of *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* (Conservation Principles). Conservation Principles provides the basis on which the Welsh Government's Historic Environment Service (Cadw) discharges its duties on behalf of the Welsh Ministers. The draft TAN explains how Conservation Principles should be used to assess the potential impacts of development proposals on historic assets and to assist in decision making where the historic environment is affected by the planning process. It also emphasises the need for access to, and the use of, evidence, including the role of historic environment records to inform development management decisions.
- Section 1 also provides advice regarding consideration of the relationship between nature conservation and the historic environment during the planning process. It strengthens the need to give nature conservation due regard when assessing proposals for development affecting the historic environment.

Section 2 provides information about consideration of the historic environment during the preparation of LDPs and associated guidance.

- Section 2 provides advice on consideration of the historic environment during the local development plans (LDP) process, including guidance on the preparation of locally distinctive historic environment policies and consideration of the historic environment during LDP Strategic Environmental Assessment. The draft TAN also provides guidance on examples of supplementary planning guidance relating to the historic environment that could be used to support local planning authorities to deliver policies in their development plans.

Section 3 provides advice on the consideration of World Heritage Sites in the planning process.

- Section 3 provides new advice on the consideration of World Heritage Sites in the planning process. It emphasises how local planning authorities should have regard to World Heritage Sites and their Outstanding Universal Value during the consideration of development proposals and policy preparation.

Section 4 provides advice on the treatment of archaeological remains.

- Section 4 updates existing guidance on the importance of archaeological remains and to provide further advice on the record and archive of such remains where appropriate.

Sections 5 and 6 provide updated information on listed buildings and conservation areas.

- Sections 5 and 6 updates advice on the protection of listed buildings and conservation areas to preserve and enhance their special qualities and to retain listed buildings in sustainable use. It also provides information on the new requirement for heritage impact statements to replace design and access statements.

Sections 7 and 8 provide updated and new information on how areas included in the registers of historic parks, gardens and landscapes and assets of special local interest are to be taken into account in the planning process.

- Sections 7 and 8 builds on existing planning policy requirements to take into account the entries in the register of historic parks and gardens and the register of historic landscapes when preparing development plans and determining planning applications. The draft TAN also provides new advice to local planning authorities to enable them to recognise assets of special local interest so that they can contribute successfully to the conservation and enhancement of local character.

4 Consultation and publicity

4.1 Draft TAN 24: The Historic Environment was published by the Welsh Government on 11 July 2016 for a 12 week public consultation period.

4.2 Details of the consultation were published 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 11 July 2016. The stakeholders comprise the Chief Executives and Chief Planning Officers of the 25 local planning authorities, 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 bodies and individuals with a specific interest in heritage matters (for example archaeological trusts) and they were also notified of the consultation on 11 July. Separately, Cadw contacted approximately 640 stakeholders who had registered an interest in receiving correspondence on the Historic Environment (Wales) Act and they were notified of the consultation by direct e-mail on 11 July 2017.

5 The responses

5.1 A total of 73 responses were received to the consultation. The largest respondent by type was local planning authorities who represented 26% of the total responses submitted. A total of 19 out of the 25 local planning authorities in Wales provided a response to the consultation.

5.2 Professional bodies and interest groups represented 19% of respondents. This included organisations such as the Chartered Institute for Archaeologists, Wales Heritage Group, Royal Society of Architects in Wales and the Royal Town Planning Institute Cymru.

5.3 The group that classified themselves as 'others' made up 21% of the respondents. This group was made up of individuals and organisations with either a personal or professional interest in the planning system and the historic environment.

5.4 Government agencies and other public sector bodies represented 12% of the respondents and comments were received from organisations such as town and community councils, the Royal Commission on the Ancient and Historical Monuments of Wales and Natural Resources Wales.

5.5 Business and the voluntary sector each made up 11% of the respondents and were made up of organisations such as the Welsh archaeological trusts, religious groups and denominations, Dŵr Cymru Welsh Water, National Grid and two civic societies.

5.6 A complete breakdown of the stakeholders who responded can be found in the Appendix.

Table 1: Respondents to TAN 24: The Historic Environment by type

Respondent type	Number of responses	Percentage
Local Planning Authorities	19	26%
Other	15	21%
Professional Body/ Interest Group	14	19%
Government Agency/ Other Public Sector	9	12%
Voluntary Sector	8	11%
Business/ Consultant	8	11%
Total	73	100%

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). 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 analysis is qualitative in nature.

Question 1:

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?

Statistical Overview

Respondents by type	Agree	Neither Agree nor Disagree	Disagree
LPAs	16	3	0
Businesses	4	1	1
Government Agency/ Other Public Sector	5	2	0
Professional Bodies/ Interest groups	8	1	2
Voluntary Sector	4	1	2
Other	5	1	1
Total	42	9	6
%	74%	16%	11%

Summary Analysis

The majority of those who directly answered the question agreed (74%) that the approach taken in the TAN achieves a balance between the sustainable management of change and the protection of the historic environment. However, some respondents disagreed (16%) with the approach; including considering that it did not reflect the principle of conservation in a proportionate way.

A number of organisations questioned the resources and levels of expertise available to local planning authorities and also the resource implications for applicants. The availability and completeness of historic environment records was also questioned. Some respondents considered that the roles of the National Monuments Record and Historic Environment Record need to be clarified as both provide sources of information on the historic environment.

A number of respondents requested that the use of heritage impact assessment be expanded to include planning applications that affect, in particular, the settings of historic assets, registered historic parks and gardens, World Heritage Sites and their buffer zones. A number of respondents, however, questioned the use of heritage impact assessment especially the requirement of the heritage impact statement to justify the proposed works which was seen as beyond its scope. Some respondents felt that further guidance was necessary to ensure that the level of detail required to support a listed building, conservation area or scheduled monument consent application is no more than is sufficient to understand the impact of a proposal on the significance of a historic asset.

Further guidance was requested by some on a number of issues including best practice examples of development that has struck the right balance between sustainable management and the protection of historic assets.

A number of respondents asked for clarity on the roles and responsibilities of those involved in the historic environment and planning processes including the Royal Commission on the Ancient and Historic Monuments of Wales, archaeological advisors and denominations covered by Ecclesiastical Exemption.

Welsh Government Response

The Welsh Government acknowledges the changing philosophy of conservation and the historic environment. Sections of the TAN, particularly those relating to listed buildings and archaeological remains, have been amended accordingly to reflect the need for proportionality when assessing the impact of development on the historic environment.

Resource implications are a generic issue affecting the entire planning service. The Welsh Government acknowledges the difficulties being faced by local planning authorities and others in fulfilling their planning functions. The advice provided in this new TAN is not considered, however, to place unrealistic expectations on deliverers in the planning service in order to ensure the planning system fully takes into account the historic environment as part of its functions. The use and role of historic environment records is expanded upon in the statutory guidance *Historic Environment Records in Wales: Compilation and Use*. The role of the National Monuments Record is set out in PPW and makes clear that it can be used by individuals and bodies concerned with the historic environment in Wales. It does not need to be repeated here.

The use of heritage impact assessment is supported by regulations and guidance which has been consulted on separately. The definition in the glossary of the TAN for heritage impact statement and the section on heritage impact assessment have been amended to reflect more clearly that it is used to provide an explanation of the proposed works and an assessment of the impact on the significance of the historic asset. More detailed guidance on the use of heritage impact assessment is now also available in *Heritage Impact Assessment in Wales*.

It is for the local planning authority to demonstrate the due regard it has given to the balance between sustainable management and the protection of the historic environment as part of the weighing up of all material considerations during the determination of planning applications.

The wording of the roles and responsibilities of those involved in the planning and heritage consent processes has been clarified.

Question 2:

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?

Statistical Overview

Respondents by type	Agree	Neither Agree nor Disagree	Disagree
LPAs	10	5	4
Businesses	2	3	1
Government Agency/ Other Public Sector	4	2	1
Professional Bodies/ Interest groups	6	3	2
Voluntary Sector	2	2	3
Other	4	2	2
Total	28	17	13
%	48%	29%	22%

Summary Analysis

Almost half of the respondents who answered the question directly agreed (48%) that the TAN was clear in its advice regarding the relationship between nature conservation and the historic environment. Thirteen respondents disagreed (22%) with a few respondents suggesting too much emphasis had been put on nature conservation matters within the TAN. One person suggested that the TAN does not need to include this information at all as information on the natural environment goes beyond the requirements of legislation on the historic environment.

A number of respondents stated that the TAN needs to demonstrate more clearly how to achieve a balance between the natural and historic environments in the planning process.

Some respondents asked for clarity on a number of procedural matters relating to the planning and heritage consenting processes including the issuing of licences, consents and the validation of planning applications affecting nature conservation. They also requested that all relevant ecological designations, legislation and guidance documents are cross referenced in this document to ensure consistency.

Welsh Government Response

TAN 24 forms part of a comprehensive suite of TANs which supplement PPW in providing the national planning policy framework for Wales and should not be read in isolation. National planning policy on the natural environment is set out in PPW Chapter 5 and TAN 5: Nature Conservation and Planning. The TAN provides references to relevant sources of information on the natural environment, including national planning policy and legislation, which should be read alongside the TAN.

It is for the local planning authority to demonstrate the due regard it has given to the balance between the natural and historic environments as part of the weighing up of all material considerations during the determination of planning applications.

The Welsh Government has revised the section on nature conservation to add clarity and has included references to relevant legislation and policy where appropriate.

Question 3:

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?

Statistical Overview

Respondents by type	Agree	Neither Agree nor Disagree	Disagree
LPAs	7	3	9
Businesses	3	2	1
Government Agency/ Other Public Sector	4	3	0
Professional Bodies/ Interest groups	6	1	4
Voluntary Sector	2	3	2
Other	3	2	2
Total	25	14	18
%	44%	25%	32%

Summary Analysis

Less than half of the respondents who answered the question directly agreed (44%) that the advice on developing locally distinctive policies and guidance on the historic environment is clear. Of those that answered the question directly, almost a third of all respondents (32%) did not agree that the advice is clear.

Many respondents considered the TAN did not provide enough information on the use of locally specific policies and requested clarity (including examples) on situations when locally specific policies should be included in local development plans. Some respondents requested that the distinction between local historic assets and historic assets of special local interest be clarified and for increased clarity on how to identify unscheduled archaeological remains of more than local importance.

A number of respondents asked for more information on producing supplementary planning guidance, with some respondents suggesting a need for greater emphasis within the TAN on local planning authorities preparing and adopting these documents.

Some respondents suggested that the paragraph on Strategic Environmental Assessment indicators needs clarification or amending as the examples given may be misinterpreted as definitive or inappropriate of what goes on in respect of LDP monitoring and historic environment considerations in local authorities.

A few respondents questioned whether Cadw would have the resources to manage the historic environment records which are essential to inform development plans and assist in the determination of planning applications.

Welsh Government Response

Each local authority area across Wales is distinctive in its own right and providing specific examples of locally specific policies on the historic environment would not be of relevance to all local planning authority areas. This would cause confusion. TAN 24 is not intended to be prescriptive about the locally specific policies a local planning authority should adopt. The TAN provides local planning authorities with the flexibility to decide what historic environment features are important and significant in their own area through preparing local lists and by including relevant policies in their respective LDPs.

It is not considered necessary to expand the information provided on supplementary planning guidance as it is only intended to provide a steer to local planning authorities on possible examples of supplementary planning guidance they could prepare on the historic environment. It is for each local planning authority to determine what supplementary planning guidance on the historic environment is appropriate for their local area. Further information on the process for preparing supplementary planning guidance in general is covered in PPW.

Having considered the comments received on the inclusion of historic environment Strategic Environmental Indicators as part of the LDP preparation process, it is considered the examples referred to are overly detailed. The Welsh Government considers that it is for local planning authorities to determine the scope and content of the indicators included within the Strategic Environmental Assessments for their LDPs based on their local circumstances. Therefore, the text has been amended to reflect this position.

Under the Historic Environment (Wales) Act 2016, the Welsh Ministers have a duty to create and keep up to date a publicly accessible historic environment record for each local authority area in Wales. There will not be any resource implications for Cadw as in practice, using formal agreements, the Welsh Ministers have delegated this responsibility and provided financial support to the four Welsh archaeological trusts for the maintenance of the historic environment record.

Question 4:

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?

Statistical Overview

Respondents by type	Agree	Neither Agree nor Disagree	Disagree
LPAs	8	8	3
Businesses	4	2	0
Government Agency/ Other Public Sector	5	3	0
Professional Bodies/ Interest groups	10	0	1
Voluntary Sector	3	4	0
Other	3	4	0
Total	33	21	4
%	57%	36%	7%

Summary Analysis

The majority of respondents that answered the question directly agreed (57%) that the advice on how World Heritage Sites are considered in the planning process is clear. A few respondents (7%) did not agree that the advice is clear.

Some respondents considered the TAN should be consistent with Welsh Government guidance on managing change in World Heritage Sites and suggested that it should provide further advice, including on the definition of setting and buffer zone.

A few respondents asked for more detailed guidance on local policies that could be developed for World Heritage Sites and that it should be more explicit, with examples, regarding developments that might have a harmful effect on the Outstanding Universal Value of World Heritage Sites. Further guidance was also requested on procedural matters including advice on the role and periodical review of World Heritage Site Management Plans, the circumstances that would trigger the call in of applications affecting World Heritage Sites. One respondent also asked for more information about the consideration of non-designated historic assets that lie within a World Heritage Site and how they should be treated in the planning process.

Welsh Government Response

The Welsh Government acknowledges that TAN 24 and accompanying guidance on managing change in World Heritage Sites are inconsistent in places. As a consequence both documents have been reviewed and have been corrected where inconsistencies were found to exist. The definitions of setting and buffer zones within the TAN have been clarified.

More detailed guidance about World Heritage Sites including developing local policies, consultation on planning applications and other development management and procedural matters can be found in *Managing Change in World Heritage Sites in Wales*. Planning policy on undesignated historic assets of local importance is provided in PPW which identifies that such assets need appropriate consideration in the planning process.

Question 5:

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?

Statistical Overview

Respondents by type	Agree	Neither Agree nor Disagree	Disagree
LPAs	9	8	2
Businesses	3	2	1
Government Agency/ Other Public Sector	4	3	0
Professional Bodies/ Interest groups	7	3	0
Voluntary Sector	2	1	3
Other	3	2	2
Total	28	19	8
%	51%	35%	15%

Summary Analysis

Just over half of those respondents that answered the question directly agreed (51%) that the advice in the TAN on how archaeological remains are to be considered in the planning process is clear. Some respondents (15%) did not agree that the advice is clear.

Many respondents considered the TAN did not reflect the modern heritage philosophy of conservation rather than preservation and the principle of significance in line with Cadw's Conservation Principles. It was also suggested by some that there are inconsistencies between the TAN and the recently published PPW chapter on the historic environment.

There were several requests for clarity on a number of procedural issues regarding archaeological recording, pre-application consultation and the monitoring and discharge of archaeological conditions. Further, there were requests for clarity on roles in the planning process where there is an impact on archaeological remains, such as the involvement of professionally accredited experts and curators. A number of respondents also commented that the definition of setting for archaeological assets is contradictory and unclear.

A few respondents requested further information on what constitutes archaeological remains that are not of national importance and considered the TAN should explain more clearly how to prepare local policies in relation to archaeological remains.

Welsh Government Response

The content of TAN 24 has been reviewed against the policies contained in PPW and amended where necessary. Some of the wording on archaeological remains has also been amended to reflect more accurately the principles contained in Cadw's Conservation Principles. This should ensure consistency across all planning and historic environment policy and guidance documents.

The wording on the section relating to archaeological remains has been amended to provide clarity on a number of issues including archaeological recording, consultation and archaeological conditions. The definition of setting in relation to its consideration in the planning process has been amended to clarify how it should be treated in understanding the impact of a proposed development on it.

PPW makes clear that local planning authorities must consult the historic environment record to identify areas, including local archaeological sites, which may need consideration in the formulation of development plans and in assessing proposals for development. Further, PPW and the TAN provide the flexibility for local planning authorities to determine what locally specific aspects of unlisted historic environment considerations, including archaeological remains, should be identified through the planning process (including on local lists and through locally specific policies contained in development plans). This is considered appropriate as what is locally important from an archaeological perspective within individual authorities is likely to vary and is dependent on local circumstances.

Question 6:

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?

Statistical Overview

Respondents by type	Agree	Neither Agree nor Disagree	Disagree
LPAs	12	3	3
Businesses	1	3	2
Government Agency/ Other Public Sector	4	2	1
Professional Bodies/ Interest groups	8	1	2
Voluntary Sector	1	2	4
Other	3	2	1
Total	29	13	13
%	53%	24%	24%

Summary Analysis

Just over half of those that answered the question directly agreed (53%) the advice on how particular historic assets (historic parks and gardens, historic landscapes and historic assets of special local interest) are considered in the planning process is clear. Almost a quarter of those who answered directly disagreed (24%) that the advice is clear.

A number of respondents asked for more information and guidance on the difference between a local historic asset and a historic asset of special local interest. Further guidance on the status, level of protection and treatment of these assets in the planning process was also requested. Some respondents questioned the ability of local planning authorities to compile, publish and maintain a list of historic assets of special local interest as they may not be suitably resourced to do so.

Some respondents stated that information on the registers of parks and gardens and landscapes is not currently easily accessible which makes it difficult for applicants to provide all relevant information and that clarification on procedural matters for consent applications affecting registered historic parks and gardens is needed.

Some respondents asked for more guidance and clarity on a number of issues relating to these types of asset in the planning process such as on the inclusion of relevant locally specific policies in a LDP and on the preparation of supplementary planning guidance. Also, respondents asked for clarity on the assessment of the impact of development on such assets.

A few respondents requested that Cadw should be required to provide written advice as part of pre-application process and be able to clearly state whether or not they support developments that affect registered historic parks, gardens and landscapes.

Welsh Government Response

The wording related to undesignated historic assets has been amended to provide clarity about what these assets are and their treatment in the planning process. Further advice and guidance on historic assets of special local interest can be found in *Managing Lists of Historic Assets of Special Local Interest in Wales*.

Information on areas included in the register of historic parks, gardens and landscapes is available in a range of formats from Cadw. A review is currently being undertaken of the boundaries of the parks and gardens included in the register and when completed they will be available on Cadw's website. Areas included on the register of historic landscapes can currently be found on the Welsh Government and Natural Resources Wales partnership portal - Lle.

PPW and the TAN provide the flexibility for local planning authorities to determine what local historic assets should be identified through policies contained in a LDP and by providing further guidance in supplementary planning guidance. This is considered appropriate as information on particular historic assets within individual authorities is likely to vary and is dependent on local circumstances.

It is not the role of the TAN to prescribe how to assess impacts of development on particular historic assets. Rather, it is a matter for the local planning authority to weigh all material considerations in determining whether to approve planning permission for development which may impact on particular historic assets. The Welsh Government's Development Management Manual provides further procedural information on how material considerations should be taken into account by local planning authorities during decision making on planning applications.

Cadw's statutory role at the pre-application stage of the planning process is to provide a local planning authority with an assessment concerned with the likely impact that certain major developments will have on an area included in the registers of historic parks and gardens and historic landscapes. Applicants are encouraged to hold pre-application discussions with the local planning authority on other developments that affect historic parks and gardens, which Cadw may be a part of.

Question 7:

If you have any related issues which we have not addressed, please let us know.

Other issues which are not already covered in the previous sections were raised by a number of the respondents. These issues may have been cross-cutting themes raised across responses to a number of the questions or directly raised under Question 7 and, as such, are summarised below:

- Some respondents expressed general support for the TAN and welcomed its clarity and comprehensiveness and the consolidation of heritage policy advice. A few respondents, however, suggested that its status could be made clearer with regards to its relationship with other legislation and policy documents and, for example, how it relates to Ecclesiastical Exemption. This was viewed as potentially enhancing its weight and understanding.
- Several respondents commented on the omission of some form of protection for place names of historic assets and suggested that planning permission should be required to change certain place names.
- A number of respondents asked for clarity on issues relating to listed building consent including appeals, community benefits, analysis of setting, demolition, fixtures and fittings, recording and the control of minor works. A few respondents requested that additional amenity societies (to the five National Amenity Societies already consulted) should be consulted on listed building consent applications. In particular, the omission of Annex D from Welsh Office Circular 61/96 caused concern for a number of respondents who requested that its contents be replicated in the TAN or other guidance.
- A few respondents commented on the need for guidance on the review of conservation areas and on the process of considering development proposals within conservation areas. Two respondents added that the TAN should state there is no statutory requirement to have regard to a LDP when determining listed building or conservation area consent applications.
- A few respondents asked for further guidance on how to deal with the potential harm that could be caused by Permitted Development Rights and on the withdrawal of Permitted Development Rights for locally listed buildings outside conservation areas.
- A number of respondents suggested that the TAN reflects a too rigid differentiation between 'archaeology' and 'buildings'.
- A few respondents asked for information about Heritage Partnership Agreements.
- Two respondents asked that reference be made to LANDMAP in respect of historic environment tools and when assessing applications that affect historic assets.
- One respondent asked for guidance on cross border issues especially with regard to setting.
- A number of respondents requested that some definitions be added or amended to enhance the understanding of the terms used in the TAN.
- There were a number of other comments made on the wider historic environment such as UNESCO Geoparks, heritage coasts, marine historic assets, county treasures and water courses. Some respondents commented on cross border issues, regulatory standards, community engagement and outreach and the level of expertise of those involved more widely in the historic environment of Wales.

Welsh Government Response

The TAN makes clear that it should be read in conjunction with PPW and Cadw's suite of best practice guidance documents. References to primary legislation have been added to the TAN where necessary to add clarity to its relationship with relevant historic environment legislation. The section on Ecclesiastical Exemption has been amended to explain more explicitly that the principles contained in the TAN also apply to those denominations exempt from the listed building consent processes.

The planning system is not the appropriate mechanism to regulate or enforce place names. The system is there to manage the development and use of land. The naming of places has nothing to do with how land is used and could not be considered as a form of development. Therefore, it is not considered appropriate to provide planning guidance on place names within the TAN. In respect of the wider consideration of place names within the historic environment, the Historic Environment (Wales) Act 2016 placed a duty on the Welsh Ministers to compile and maintain a list of historic place names in Wales. The Royal Commission on the Ancient and Historical Monuments of Wales, on their behalf, aims to launch the list in spring 2017. It will be publicly accessible online and through the historic environment records.

Further guidance on procedural matters relating to the listed building consent process can be found in *Managing Change to Listed Buildings in Wales*. The general principles that should be applied when making alterations to listed buildings, whilst not replicated in detail, are included in this guidance. They better reflect Cadw's Conservation Principles and understanding of the likely impact of change on the special qualities that contribute to the significance of a listed building. Amendments to the specific bodies required to be consulted on listed building consent applications is not within the scope of this consultation.

Further information regarding the management and review of conservation areas can be found in *Managing Conservation Areas in Wales*. In general, it is a matter of established practice for local planning authorities to take into account all material considerations when considering impacts of development, including within conservation areas. Therefore, further guidance on assessing the impacts of development proposals on conservation areas is not required within the TAN. PPW states that there is no statutory requirement to have regard to the provisions of the development plan when considering listed building and conservation area consent applications. Therefore, this does not need to be repeated in the TAN.

PPW provides further information on the use of Permitted Development Rights. It states that the withdrawal of Permitted Development Rights should only take place in exceptional circumstances and where there is a real and specific threat to an interest of acknowledged importance. This principle applies throughout the planning system and therefore also to where existing permitted development rights could have a potentially adverse impact on existing historic assets. Further guidance on where these exceptional circumstances could apply in relation to local historic assets can be found in *Managing Lists of Historic Assets of Special Local Interest in Wales*.

The distinction between archaeological remains and buildings reflects the current arrangements set out in primary legislation.

When the provisions of the Historic Environment (Wales) Act 2016 concerning Heritage Partnership Agreements come into force, TAN 24 will be updated if required.

The TAN has been amended to suggest that local planning authorities may take into account LANDMAP in addition to the Register of Historic Landscapes when considering applications that require Environmental Impact Assessment.

A number of amendments and additions have been made to the Glossary of Terms at Annex D to provide clarity and understanding of the terms used.

Some of the comments and suggestions received, whilst welcome and fully considered during the analysis stage of the consultation cannot be addressed by the planning system which is there to manage the development and use of land. Therefore, they fall outside the scope of this consultation.

Appendix – List of Respondents by Category

Businesses

CEMEX UK Operations Ltd (produced by Cotswold Archaeology on their behalf)
Innogy Renewables UK Ltd
National Grid
Clwyd-Powys Archaeological Trust
Dŵr Cymru Welsh Water
Trysor
Nathaniel Lichfield & Partners
Anonymous
Total - 8

Local Planning Authorities

Anonymous
Caerphilly County Borough Council
National Parks Wales
Neath Port Talbot County Borough Council
Anonymous
Newport City Council
Blaenau Gwent County Borough Council
Conwy County Borough Council
Bridgend County Borough Council
Torfaen County Borough Council
Ceredigion County Council
Pembrokeshire County Council
Gwynedd Council
Rhondda Cynon Taf County Borough Council
Wrexham County Borough Council
City of Cardiff Council
Carmarthenshire County Council
Monmouthshire County Council
Vale of Glamorgan Council
Total - 19

Government Agency/ Other Public Sector

One Voice Wales
Llandough Community Council
Natural Resources Wales
Conwy Town Council
Royal Commission on the Ancient and Historical Monuments of Wales
Theatres Trust
Historic England
Aberaeron Town Council
Llandudno Town Council
Total – 9

Professional Body/ Interest Group

Institution of Civil Engineers Wales Cymru
GeoMon UNESCO Global Geopark
Dyfed Archaeological Trust
Cotswold Archaeology
Mineral Products Association
Chartered Institute for Archaeologists
Wales Heritage Group
Society of Antiquaries of London
Historic Houses Association
The Law Society
RTPI Cymru
Council for British Archaeology
Royal Society of Architects in Wales
ALGAO Cymru
Total – 14

Voluntary Sector

The Caernarfon Civic Society
The Glamorgan-Gwent Archaeological Trust Ltd
Churches Together in Wales
The Representative Body of the Church in Wales
Civic Trust Cymru
Anonymous
The Methodist Church
Cyngor Cymuned Llandysul
Total - 8

Other

Godfrey D Northam
Richard Ebley
Anonymous
Myfanwy Evans
Dr Rosetta M. Plummer
Martin Locock
Dave Healey County Councillor, Caergwrle Ward, Flintshire
Blaenavon Industrial Landscape World Heritage Site Partnership
Glandŵr Cymru, the Canal & River Trust in Wales
CLA Cymru
Gwynedd Archaeological Trust
Cymdeithas yr Iaith Gymraeg
Olwen Jenkins
Timothy Malim
Gwyn Jones
Total - 15