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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Managing the Marine Historic Environment of Wales

Date of issue: 11 March 2019

Action required: Responses by **3 June 2019**

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

Overview

This consultation seeks your views on the draft best-practice guidance *Managing the Marine Historic Environment of Wales*.

This has been developed as a component of a wider programme to improve the protection and management of the Welsh historic environment.

How to respond

This consultation will close on 3 June 2019. You may respond online, by email or by post.

Online

Please complete the online questionnaire on the consultation pages of the Welsh Government website:

<https://beta.gov.wales/managing-marine-historic-environment-wales>.

Email

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

historicenvironmentleg@gov.wales

Post

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

Legislation and Policy Team
Cadw
Welsh Government
Plas Carew
Unit 5/7 Cefn Coed
Parc Nantgarw
Cardiff
CF15 7QQ

Further information and related documents

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

Historic Environment (Wales) Act 2016

<https://www.legislation.gov.uk/anaw/2016/4/contents>

Planning Policy Wales

<https://beta.gov.wales/planning-policy-wales>

Technical Advice Note 24: The Historic Environment

<https://beta.gov.wales/technical-advice-note-tan-24-historic-environment>

**Contact
details**

For further information:

historicensvironmentleg@gov.wales

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CF15 7QQ

03000 259 096

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, 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. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:

Welsh Government

Cathays Park

CARDIFF

CF10 3NQ

e-mail:

Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 01625 545 745 or

0303 123 1113

Website: <https://ico.org.uk/>

Introduction

The marine historic environment gives us a sense of place and helps shape our identity. Sweeping beaches and forbidding cliffs, industrial ports and sheltered anchorages, seaside resorts and tidal lagoons all contribute to its unique character. Thousands of years of trade, exploration, defence, industry and leisure have left their mark in Welsh waters and along our coast. For the purposes of this guidance the marine historic environment can be defined as places under the sea and in the intertidal zone where evidence for human activity is preserved. Here, this means historic remains found below the high water mark.

The marine historic environment makes an important contribution to the social, economic, environmental and cultural well-being of Wales through many different activities including tourism, learning and volunteering, and the regeneration of coastal areas. Together, these benefits can help create the Wales we want in the future by meeting the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015.¹

By improving the protection and management of the Welsh marine historic environment, the guidance document, *Managing the Marine Historic Environment of Wales* (Annex B), will contribute to the goals of 'A Wales of vibrant culture and thriving Welsh language', and 'A Wales of cohesive communities'. More specifically, it will contribute positively towards the national indicator — 'Percentage of designated historic environment assets that are in stable or improved conditions' — introduced to measure progress towards the well-being goals.

The evidence of our past preserved under the sea and on the seashore is every bit as valuable as that preserved on land and deserves equal respect and protection. But the pressures on our seas and on our coast are increasing. There are demands from many sectors ranging from energy generation and fishing through to tourism and recreation. Balancing the socio-economic benefits of these industries with their potential impact on the whole of the marine environment is not easy and requires a holistic approach to marine planning. *Managing the Marine Historic Environment of Wales* will ensure that there is a consistent and equitable approach to the protection and management of the marine and land historic environments.

By understanding the marine historic environment of Wales, why it is important and how it is protected, we can look at the impact of our actions and make decisions about how best to manage it sustainably for the benefit of future generations.

Current guidance for the management of the marine historic environment is out of date and not fit for purpose. Updated guidance to reflect the more modern conservation philosophy and practice contained in *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*² is required. Managing and making decisions about the marine historic environment in the light of these conservation principles means making sure that its significance and heritage values are protected or

¹ Well-being of Future Generations (Wales) Act 2015
<http://www.legislation.gov.uk/anaw/2015/2/contents/enacted>

² *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*
<https://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>

enhanced. *Managing the Marine Historic Environment of Wales* will ensure that these principles will be as applicable to the marine historic environment as they are to the historic environment on land.

Legislation associated with the marine environment has also changed over the last few years. The new guidance gives an overview of the legislation and how it impacts on the marine historic environment of Wales.

The guidance sets out the objectives and policies that apply specifically to the protection and promotion of the marine historic environment in Wales. The draft guidance includes reference to the draft Welsh National Marine Plan. It is anticipated that the Plan will be published in 2019 and *Managing the Marine Historic Environment of Wales* will be updated to reflect any changes contained in the final plan.

Managing the Marine Historic Environment of Wales explains the Welsh Government's approach to underwater heritage and offers best-practice guidance for its protection and management.

There are three parts to the guidance document:

- Part one explains the different elements that make up the marine historic environment and how it can tell us how people lived in the past. It outlines some of the threats that it faces and also opportunities for how it can be managed sustainably for the benefit of people now and in the future.
- Part two sets out the broad legislative framework and policy towards underwater heritage in Wales including the draft Welsh National Marine Plan. It also sets out the responsibilities of Cadw, the Welsh Government's historic environment service.
- Part three contains practical advice and guidance for all those concerned with activities underwater including sea users, developers and public authorities. It describes the steps which need to be followed to assess the impact of any activity on the marine historic environment.

The guidance is aimed at a range of public authorities, sea users and industries including recreational divers, archaeologists, shipping, fisheries, dredging, aggregate extraction, renewables and tourism.

Q1.	Does part one clearly set out the nature of the marine historic environment and why it is important? If not, please explain how this could be improved.
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Q2.	Despite the different legislative regimes, does the guidance make it clear that the principles of our approach to the historic environment are seamless between land and sea? If not, please explain how this could be improved.
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Q3.	Will the decision-making framework for managing the marine historic environment, as set out in part three, be clear to both applicants and decision makers? If not, please explain how this can be improved.
Q4.	Is it appropriate to have both scheduling and protected wreck designation as mechanisms to protect significant wreck sites? If not, please explain how you would change them.
Q5.	We would like to know your views on the effects that <i>Managing the Marine Historic Environment of Wales</i> would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?
Q6.	We have asked a number of specific questions. If you have any related issues that we have not specifically addressed, please use this space to raise them.